



Town of Mammoth Lakes

**Whitmore Park Track and Sports Field Project  
Initial Study/Mitigated Negative Declaration**  
*(State Clearinghouse No. 2010102049)*

Response to Comments and  
Mitigation Monitoring and Reporting Program

October 14, 2011

**Lead Agency:**

Town of Mammoth Lakes  
PO Box 1609  
437 Old Mammoth Road, Suite R  
Mammoth Lakes, California 93546

*Contact: Ms. Jen Daugherty, Associate Planner  
(760) 934-8989 ext. 260*

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## 1.0 INTRODUCTION

The Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) (see Public Resources Code Section 21000 et seq.), as well as the State CEQA Guidelines (see Title 14 of the California Code of Regulations Section 15000 et seq.).

The IS/MND was made available for public review and comment pursuant to State CEQA Guidelines Section 15070 et seq. The public review period commenced on October 16, 2010 and ended on November 15, 2010; the state agency review period concluded on November 29, 2010. The IS/MND and supporting attachments were available for review by the general public at the offices of the Town of Mammoth Lakes Community Development Department, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California.

### Response to Comments

During the public review period, comments were received on the IS/MND from certain interested public agencies and private parties. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

1. Scott Morgan, Director, State Clearinghouse, State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, dated November 30, 2010 (attached as Letter 1);
2. Daniel R. Dawson, Director, Sierra Nevada Aquatic Research Lab, Valentine Camp, University of CA, Santa Barbara, e-mail correspondence dated October 18, 2010 (attached as Letter 2);
3. Gayle J. Rosander, IGR/CEQA Coordinator, State of California Department of Transportation (Caltrans) District 9, dated October 27, 2010 (attached as Letter 3);
4. Dave Singleton, Program Analyst, Native American Heritage Commission, dated November 1, 2010 (attached as Letter 4);
5. Elsa Jimenez, Real Estate Officer, Los Angeles Department of Water and Power, e-mail correspondence dated November 2, 2010 (attached as Letter 5);
6. Mary Dellavalle, Environmental Scientist, California Regional Water Quality Control Board (RWQCB) Lahontan Region, dated November 19, 2010 (attached as Letter 6);
7. Brad Henderson, Acting Deputy Regional Manager, State of California Department of Fish and Game, dated November 24, 2010 (attached as Letter 7);



8. Heather deBethizy, Assistant Planner, Mono County Community Development Department, dated November 29, 2010 (attached as Letter 8); and
9. Gerry LeFrancois, ALUC Staff, Mono County Airport Land Use Commission, dated November 29, 2010 (attached as Letter 9).

Even though CEQA and the State CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, as contrasted with a Draft Environmental Impact Report, the Town of Mammoth Lakes has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project.

The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

### **Mitigation Monitoring and Reporting Program**

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, the attached Section 3, *Mitigation Monitoring and Reporting Program*, has been prepared for the Whitmore Park Track and Sports Field Project. This Mitigation Monitoring and Reporting Program is intended to provide verification that all applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Whitmore Park Track and Sports Field Project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the project, but also allows the Town of Mammoth Lakes (Town) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the attached Mitigation Monitoring and Reporting Program table. If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- Departments/agencies with reporting responsibilities will review the Initial Study, which



provides general background information on the reasons for including specified mitigation measures.

- The Town will distribute reporting forms to the appropriate entities for verification of compliance.
- Problems or exceptions to compliance will be addressed to the Town as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the Town with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The Town prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the Town. Such changes could include reassignment of monitoring and reporting responsibilities, program redesign to make any appropriate improvements, and/or modification, substitution, or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.



## 2.0 RESPONSE TO COMMENTS



Arnold Schwarzenegger  
Governor

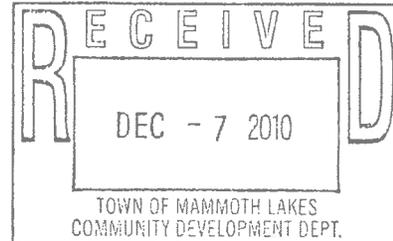
STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

November 30, 2010

Jen Daugherty  
City of Mammoth Lakes  
P.O. Box 1609  
Mammoth Lakes, CA 93546



Subject: Whitmore Park Track and Sports Field Project  
SCH#: 2010102049

Dear Jen Daugherty:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 29, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010102049  
**Project Title** Whitmore Park Track and Sports Field Project  
**Lead Agency** Mammoth Lakes, City of

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**Type** MND Mitigated Negative Declaration

**Description** The Project includes construction and operation of a high-performance, all-weather track and field facility and associated amenities, including a concessions building, terraced seating, a covered pavilion, walkways and plaza, fitness trails, workout stations, landscaping, and surface parking. The track is proposed to be a nine lane polyurethane track with a synthetic infield that would accommodate soccer, football, and other athletic field events. Access to the Project site would occur along a lopped driveway with parking areas off Benton Crossing Road. Existing disturbed areas on the Project site are proposed for overflow parking areas, which are not proposed to be paved. Down-directed and shielded lighting for the track and field as well as the paved parking areas is proposed. Drainage, grading, wastewater, and other utility improvements are proposed to serve the Project. The Project also includes the Town amending or executing a new lease with Los Angeles Department of Water and Power (LADWP) to reflect the proposed Project.

The Project is proposed to be constructed in three phases; the first phase would be the development of the track and field, terraced seating, some fitness trails, and fencing. The first phase would be completed in approximately three months and is anticipated and is anticipated to start construction in Summer 2011. Phases two and three including the remaining components of the Project and would be constructed as funding becomes available.

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**Lead Agency Contact**

**Name** Jen Daugherty  
**Agency** City of Mammoth Lakes  
**Phone** (760) 934-8989 ext. 260  
**email**  
**Address** P.O. Box 1609  
**City** Mammoth Lakes  
**Fax**  
**State** CA **Zip** 93546

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**Project Location**

**County** Mono  
**City** Mammoth Lakes  
**Region**  
**Lat / Long** 37.6° N / 118.8° W  
**Cross Streets** Benton Crossing Rd/US Hwy 395  
**Parcel No.** 060-080-002  
**Township** 4S **Range** 29E **Section** 6 **Base** MDB&M

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**Proximity to:**

**Highways** US 395  
**Airports** Mammoth Yosemite  
**Railways**  
**Waterways** Convict Creek and Hot Creek  
**Schools**  
**Land Use** The Project site is designated/zoned as Open Space (OS) by the Mono County General Plan and Industrial/ Public Agency (PA) by the Mammoth/June Lake Airport Land Use Plan.

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report  
State Clearinghouse Data Base**

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 6; Department of Fish and Game, Region 6 (Inyo & Mono Region); Cal Fire; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 9; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission

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**Date Received** 10/27/2010      **Start of Review** 10/27/2010      **End of Review** 11/29/2010



**1. RESPONSES TO COMMENTS FROM SCOTT MORGAN, STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, NOVEMBER 30, 2010.**

- 1-1 This comment indicates that the State Clearinghouse submitted the IS/MND to selected state agencies for review, and that the comment period for the IS/MND concluded on November 29, 2010. The comment indicates that the lead agency complied with the review requirements for draft environmental documents pursuant to CEQA. As such, the comment does not provide specific comments regarding information presented in the IS/MND.

The Reviewing Agency comments attached to this State Clearinghouse letter are the State of California Department of Transportation, District 9 (see Letter 3), Native American Heritage Commission (see Letter 4), and State of California Department of Fish and Game (see Letter 7). Please see referenced letters for responses to these Reviewing Agency comments.

## Jen Daugherty

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**From:** Daniel Dawson [dawson@icess.ucsb.edu]  
**Sent:** Monday, October 18, 2010 7:12 AM  
**To:** Jen Daugherty  
**Subject:** RE: Whitmore Track Project IS/MND Available for Review  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Jen:

2-1

I have reviewed the Initial Study/Mitigated Negative Declaration for the Whitmore Park Track and Sports Field Project. As you know, we are concerned about the proposed stadium lighting and potential impacts to night skies. The airport has already created severe impacts so cumulative effects are a consideration.

2-2

Of concern to us is mitigation measure AES-3. The mitigation measure requires Mono County to "evaluate" different options and "consider" low-level lighting for the track that would be separate from lighting for the field. This is not an adequate mitigation measure. Neither evaluation nor consideration, the verbs in this case, actually mitigates anything. That is like requiring someone to think about the problem. Evaluation and consideration are not actual actions that offset the impact and hence, are not adequate for mitigation. The TOML, as the Lead Agency for CEQA, must do the evaluation and consideration and then create actual mitigation measures that reduce the impact to a level of non-significance. My suggestion is that you require the installation of low level lighting for the track.

Thank you,

Dan

*Daniel R. Dawson, Director*      <http://vesr.ucnrs.org>  
*Sierra Nevada Aquatic Research Lab*  
*Valentine Camp*      760/935-4334 office  
*University of CA, Santa Barbara*      760/937-4198 cell  
*1016 Mt. Morrison Road*      760/935-4867 fax  
*Mammoth Lakes, CA 93546*      [dawson@icess.ucsb.edu](mailto:dawson@icess.ucsb.edu)

2. **RESPONSES TO COMMENTS FROM DAN DAWSON, SIERRA NEVADA AQUATIC RESEARCH LAB, DATED OCTOBER 18, 2010.**

2-1 Identification that the commenter is concerned with cumulative light impacts to night skies. Cumulative impacts related to light and glare are discussed in Section 4.18.b of the IS/MND, and with the incorporation of mitigation measures this impact would be reduced to less than significant. Mitigation Measures AES-3 through AES-7 specifically address light and glare impacts and require all outdoor lighting to meet Mono County's *Dark Sky Regulations* such as being shielded, down-directed, and avoiding off-site light trespass and glare. Also, the Project will operate most frequently from spring to fall, during the longest periods of daylight, thereby minimizing the use of site lighting. Please also see Response 2-2, below.

2-2 The commenter states that Mitigation Measure AES-3 is not adequate since neither "evaluation" nor "consideration" effectively mitigates the potential impact. The suggestion is to require the installation of low level lighting for the track. In response to this comment, the following changes have been made to Mitigation Measure AES-3:

**AES-3:** Outdoor lighting for the Project shall be approved by Mono County. Outdoor lighting, including track and field lighting, shall be limited to the minimum intensity necessary for safety purposes. ~~The Town of Mammoth Lakes and Mono County shall evaluate different options for track and field light fixtures, height, design, number, wattage, and placement, including but not limited to:~~

- ~~a. Consider low-level lighting for the track that would be separate from lighting for the field.~~
- ~~b. Consider restricting the hours of track and field use to limit the amount of time the lights are on.~~

The maximum intensity of lighting would be the level necessary to achieve a safe and playable facility, generally considered to be a minimum of 30 footcandles on the field<sup>1</sup>.

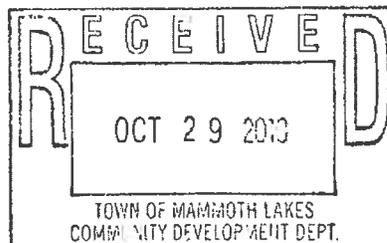
Also, Mitigation Measure AES-5 requires lighting fixtures to be "mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so no off-site light trespass is produced. The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, clean-up, nighttime maintenance, and other closing activities." These mitigation measures will reduce light and glare impacts to less than significant. Also, see Response 2-1, above.

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<sup>1</sup> Brett Long, Project Architect, March 9, 2011.

**DEPARTMENT OF TRANSPORTATION**

District 9  
 500 South Main Street  
 Bishop, CA 93514  
 PHONE (760) 872-0785  
 FAX (760) 872-0754  
 TTY 711 (760) 872-0785



*Flex your power!  
 Be energy efficient!*

October 27, 2010

Jen Daugherty  
 Town of Mammoth Lakes  
 P.O. Box 1609  
 Mammoth Lakes, California 93546

File: 09-MNO  
 IS/MND  
 SCH #: none

Dear Ms. Daugherty:

**Whitmore Park Track and Sports Field – Initial Study/Mitigated Negative Declaration (IS/MND)**

The California Department of Transportation (Caltrans) District 9 appreciates the opportunity to comment on the IS/MND for the proposed Whitmore Park project, consisting of phased construction of a track, sports field, concessions building, etc. We offer the following comments:

- 3-1  • **Section 4.1 Aesthetics and Section 7.1 Inventory of Mitigation Measures**, appear to adequately address visual impacts relating to the scenic highway. Please continue to evaluate future projects in scenic corridors for cumulative impacts, which could affect scenic highway designation.
- 3-2  • The US 395 traffic analysis contained in **Section 4.17 Transportation & Traffic and Appendix D Traffic Impact Analysis**, satisfactorily addresses the request contained in our Scoping Notice response letter (July 28, 2010).

We value our cooperative working relationship with the Town concerning transportation issues. If you have any questions, I may be contacted at (760) 872-0785.

Sincerely,

GAYLE J. ROSANDER  
 IGR/CEQA Coordinator

c: Scott Burns, Mono County  
 Steve Wisniewski, R. Steve Miller; Caltrans



**3. RESPONSES TO COMMENTS FROM GAYLE J. ROSANDER, CALTRANS DISTRICT 9, DATED OCTOBER 27, 2010.**

3-1 Commenter states that visual impacts relating to the scenic highway appear to be adequately addressed; no response necessary.

3-2 Commenter states that the U.S. 395 traffic analysis satisfactorily addresses the requested provided by Caltrans scoping response letter; no response necessary.

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)

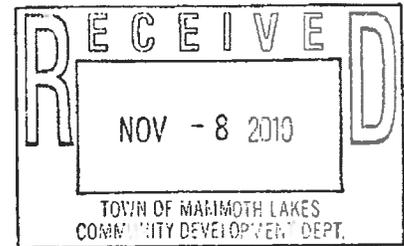


November 1, 2010

Ms. Jen Daugherty, Planner

**Town of Mammoth Lakes**

P.O. Box 1609  
 Mammoth Lakes, CA 93546



Re: SCH#2010102049 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Whitmore Park Track and Sports Field Project; located on 23.75-acres on the west side of Benton Crossing Road near U.S. Highway 395 within the Whitmore Regional Park area and 5.5 miles northwest of Crowley Lake; Mono County, California

Dear Ms. Daugherty:

4-1

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

4-2

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of the Area of Potential Effect (APE). However, there are Native American cultural resources in close proximity to the APE. It is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

4-3

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

4-4

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

4-5

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

4-6

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

4-7

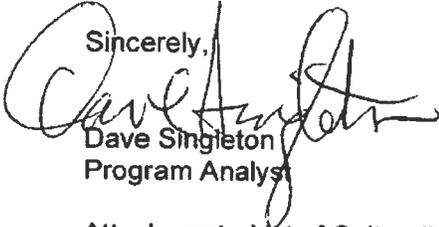
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

4-8

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Mono County  
November 1, 2010

Benton Paiute Reservation  
Mike Keller, Chairperson  
Star Route 4, Box 56-A Paiute  
Benton, CA 93512  
**numlc@qnet.com**  
(760) 933-2321  
(760)933-2412

Big Pine Band of Owens Valley THPO  
Bill Hellmer, Tribal Historic Preservation Officer  
P.O. Box 700 Paiute  
Big Pine, CA 93513  
**amargosa@aol.com**  
(760) 938-2003  
(760) 938-2942 fax

Big Pine Band of Owens Valley  
David Moose, Chairperson  
P. O. Box 700 Owens Valley Paiute  
Big Pine, CA 93513  
**bigpinetribaladmin@earthl**  
(760) 938-2003  
(760) 938-2942-FAX

Bishop Paiute Tribe THPO  
Theresa Stone-Yanez  
50 Tu Su Lane Paiute - Shoshone  
Bishop, CA 93514  
**theresa.**  
(760) 937-0351 -work cell  
(760) 873-4143 - FAX

Bridgeport Paiute Indian Colony  
Joseph Art Sam, Chairperson  
P.O. Box 37 Paiute  
Bridgeport, CA 93517  
**biggovadm@yahoo.com**  
(760) 932-7083  
(760) 932-7846 Fax

KutzadikaA Indian Community Cultural Presv.  
Raymond Andrews, Chairman  
P.O. Box 591 Paiute  
Bishop, CA 93515  
(760) 920-0357

Mono Lake Indian Community  
Charlotte Lange, Chairperson  
P.O. Box 117 Mono  
Big Pine, CA 93513 Northern Paiute  
**clange2008@hotmail.com**  
(760) 938-1190

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2010102049; cEQA Notice of Completion; proposed Mitigated Negative Declaration for the Whitmore Park Track and Sports Field Project; located within the Whitmore Regional Park Area, on the west side of Benton Crossing road and 5.5 miles north of Crowley Lake; Mono County, California



- 4. RESPONSES TO COMMENTS FROM DAVE SINGLETON, NATIVE AMERICAN HERITAGE COMMISSION (NAHC), DATED NOVEMBER 1, 2010.**
- 4-1 The commenter identifies and references various CEQA provisions and guidelines related to the protection of historic resources; no response necessary.
- 4-2 The NAHC recommends early consultation with Native American tribes in the area. The Town mailed both the Project Scoping Packet and the IS/MND to the NAHC's recommended list of culturally affiliated tribes and interested Native American individuals, and did not receive any comments or responses from the Native American tribe contacts on this list.
- 4-3 LSA Associates conducted a cultural resources assessment for the Project, which included a records review of the California Historic Resources Information System (CHRIS), National Register of Historic Places Index, and Office of Historic Preservation Directory of Properties, as recommended by the NAHC. The cultural resources assessment is Appendix B of the IS/MND.
- 4-4 Please see Response 4-2.
- 4-5 Mitigation Measures CULT-1 and CULT-2 address accidentally discovered archeological resources and human remains consistent with the Public Resources Code and Health and Safety Code.
- 4-6 The NAHC describes laws related to confidentiality and the Public Records Act; no response necessary.
- 4-7 Please see Response 4-2. The Project does not include an electric transmission corridor.
- 4-8 Please see Response 4-5.

**Jen Daugherty**

**From:** Jimenez, Elsa [Elsa.Jimenez@ladwp.com]  
**Sent:** Tuesday, November 02, 2010 8:06 AM  
**To:** Jen Daugherty  
**Subject:** RE: Whitmore Track Project IS/MND Available for Review

Hi Jen-  
LADWP has reviewed the IS/MND and will have no comments.

Regards,

*Elsa Jimenez*

Real Estate Officer  
Los Angeles Department of Water & Power  
300 Mandich Street  
Bishop, CA 93514  
Office: (760) 873-0201  
elsa.jimenez@ladwp.com

5-1

**From:** Jen Daugherty [mailto:jdaugherty@ci.mammoth-lakes.ca.us]  
**Sent:** Friday, October 15, 2010 12:22 PM  
**To:** Jimenez, Elsa  
**Cc:** Ron Fansler; Raymond Jarvis  
**Subject:** FW: Whitmore Track Project IS/MND Available for Review

Hi Elsa,

Ron Fansler will be dropping off a hard copy of the IS/MND for Whitmore Track later today.

Please let me know if you have any questions.

Sincerely,

Jen Daugherty

---

**From:** Jen Daugherty  
**Sent:** Friday, October 15, 2010 12:18 PM  
**To:** Jen Daugherty  
**Subject:** Whitmore Track Project IS/MND Available for Review

Hi Agencies, Organizations, and Interested Parties,

The Whitmore Park Track and Sports Field Project ("Project") CEQA Initial Study/Mitigated Negative Declaration (IS/MND) is available for public review! The public review period starts October 16th and ends November 15th at 5p.m. (see attached Notice of Availability).

The Project is proposed within the Whitmore Regional Park on Benton Crossing Road in Mono County. The Project includes a high performance, all-weather track and field facility and associated amenities, including a concessions building, terraced seating, a covered pavilion, walkways and plaza, fitness trails, workout stations, landscaping, and surface parking.

Copies of the IS/MND are available for review at the Town of Mammoth Lakes Community Development Department, 437 Old Mammoth Road, Suite R, Mammoth Lakes, CA, and on-line at <http://www.ci.mammoth-lakes.ca.us>

lakes.ca.us/index.aspx?nid=363. Please mail, fax, or email your written comments to Ms. Jen Daugherty, Associate Planner (see mailing, fax, and email addresses below).

Please forward this email to others that may be interested, and please do not hesitate to contact me with any questions. Thank you.

Sincerely,

Jen Daugherty  
Associate Planner  
Town of Mammoth Lakes  
P.O. Box 1609  
Mammoth Lakes, CA 93546  
Ph: (760) 934-8989 x260  
Fax: (760) 934-8608  
jdaugherty@ci.mammoth-lakes.ca.us

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**5. RESPONSES TO COMMENTS FROM ELSA JIMENEZ, LOS ANGELES DEPARTMENT OF WATER AND POWER, DATED NOVEMBER 2, 2010.**

- 5-1 Commenter states that the Los Angeles Department of Water and Power (LADWP) will have no comments on the Initial Study/Mitigated Negative Declaration; no response necessary.



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
Lahontan Region**

Victorville Office  
14440 Civic Drive, Suite 200, Victorville, California 92392  
(760) 241-6583 • Fax (760) 241-7308  
<http://www.waterboards.ca.gov/lahontan>

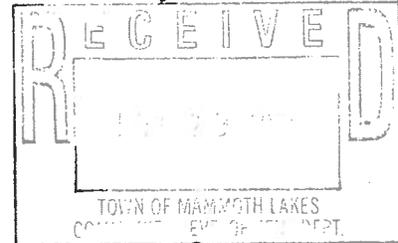


Arnold Schwarzenegger  
Governor

November 19, 2010

File: Environmental Doc Review  
Mono County

Jen Daugherty, Associate Planner  
Town of Mammoth Lakes  
Community Development  
P.O. Box 1609  
437 Old Mammoth Road, Suite R  
Mammoth Lakes, CA 93546



**COMMENTS ON MITIGATED NEGATIVE DECLARATION FOR WHITMORE PARK  
TRACK AND SPORTS FIELD PROJECT, MONO COUNTY, STATE  
CLEARINGHOUSE NO. 2010102049**

Please refer to the items checked for staff comments on the above-referenced project:

**[X]** The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed receiving waters. Principles of LID include:

6-1

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID.

We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

6-2

**[X]** The proposal does not provide enough information to determine if the Regional Board's 500 gallon per acre per day limitation of the discharge to septic tank

6-2  
cont. [ ] disposal systems is exceeded. Please address in the document how this requirement will be met.

6-3 [X] The project will require development of a Stormwater Pollution Prevention Plan and may require an NPDES General Construction Stormwater Permit. This permit is accessible on the State Board's Homepage ([www.waterboards.ca.gov](http://www.waterboards.ca.gov)). Best Management Practices must be used to mitigate project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

6-4 [X] The proposal does not provide specific information on how impacts to surface waters of the State and/or waters of the U.S. will be mitigated. These surface waters include, but are not limited to swales, drainages, streams, washes, ponds, pools, playas, or wetlands. Waters of the State include waters determined to be isolated or otherwise non-jurisdictional by the Army Corps of Engineers. The Environmental Document needs: to quantify these impacts, and to discuss the following: the purpose of the project, the need for surface disturbance, and alternatives (avoidance, minimization, of disturbances, and mitigation). Mitigation must be identified in the environmental document and include the timing of construction.

Mitigation must replace the functions and values of waters lost. For more information see the Lahontan Region Basin Plan [http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml)

[X] Other

6-5 [ ]

- Project design features that could potentially avoid, minimize, and mitigate impacts to the waters of the State have not been adequately addressed and described. The project is located in an area where stormwater runoff could potentially contaminate surface waters that are tributary to Lake Crowley which is a critical municipal water supply. The proposed dog park, parking lots, food concessions and food consumption, roofing, chlorination of drinking water, and the potential for increased production of sewage can all contribute towards non-point source pollution. Proposed soil compaction, installation of impervious surfaces and drainage alterations have the potential to adversely impact hydrological functions of the watershed.

6-6 [ ]

- Based on examination of aerial photos and a schematics for the proposed project that was included in the biological report, there may be swales (which are waters of the State) on site. The first potential swale transverses from NW to SE in the center of the proposed project. It enters the site between the existing baseball field and proposed stadium and exits east of the proposed dog park and existing animal shelter and west of the existing softball fields. The other potential swale transverses the site somewhat horizontally between the proposed parking lot and the existing baseball field to the north and between the existing

6-6  
cont.

animal shelter and the existing softball field to the east. Swales have important beneficial uses such as infiltration of stormwater, attenuation of stormwater, cleansing of stormwater, and groundwater recharge. These beneficial uses could either be adversely impacted or enhanced depending on the design of the project.

6-7

- The schematics for the proposed landscaping do not show engineering design features for bio-swales or other infiltration BMPs that could compensate for impacts from the project. Nor do the documents provided include a description or analysis of proposed alterations of stormwater flows. We need a complete project description and impact analysis to perform our duty as a responsible agency pursuant to CEQA regulations. A promise to submit plans for drainage enhancement, landscaping, infiltration features, wastewater discharge, and stormwater management to the Water Board or apply for applicable permits may be appropriate in an Initial Study, but is not sufficient information for adequate CEQA review of a Mitigated Declaration Statement.

6-8

Regarding mitigation measures HWQ-2 through HWQ-5, please require the project proponent to obtain the NPDES Statewide General Construction Permit and comply with all permit requirements, as well as the Water Quality Control Plan for the Lahontan Region (Basin Plan). For your information, the Statewide General Construction Permit does not specify rainy season dates (e.g., October 15 to April 15), but instead requirements are based on rain events that may occur year-round. Please revise your document accordingly.

6-9

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Thank you for the opportunity to comment on your project. If you have any questions regarding this letter, please contact me at (760) 241-7365 ([mdellavalle@waterboards.ca.gov](mailto:mdellavalle@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov)).

Sincerely,



Mary Dellavalle  
Environmental Scientist

cc: Mary Ellen Hopen, Mono County Public Works  
Laura Hunter, Los Angeles Department of Water and Power  
Brad Henderson, California Department of Fish & Game

MD\rc\U:\Drafts\Whitmore Sports.doc

**6. RESPONSES TO COMMENTS FROM MARY DELLAVALLE, RWQCB LAHONTAN REGION, DATED NOVEMBER 19, 2010.**

6-1 The commenter requests that “Low Impact Development” (LID) principles be incorporated into the project design and natural drainage patterns be maintained to the extent feasible.

The following LID principles have been incorporated into the Project design:

- Landscaping, hydroseeding, and permanent erosion control will be installed to slow and filter runoff, reduce erosion, and maximize groundwater recharge during the post-construction period (i.e. operation).
- Impervious areas are reduced by the synthetic infield incorporating a 40% porous backing, not paving overflow and maintenance parking areas, and using compacted soil rather than paving for the proposed fitness trails.
- Site disturbance will be minimized to that necessary for construction of the Project, in particular creating a level track and field facility.
- Utilization of a synthetic infield will reduce the Project’s water usage and will not require use of any fertilizers or pesticides.
- Utilization of recycled tires in the track and synthetic infield will reduce the environmental impact of the Project.
- As required by Mitigation Measure HWQ-2, adequate drainage facilities will be installed in accordance with the Lahontan RWQCB requirements.

The Project site is generally flat, without any stream or river course, and the majority of the site is already disturbed. The Project includes storm water pipes under the field that flow to drainage swales that will outlet into the existing roadside swale. The Project drainage swales will slow and filter runoff, maximize groundwater recharge and percolation, and be revegetated over time.

6-2 The commenter requests that information be provided to determine if the Lahontan RWQCB’s 500 gallon per acre per day limitation of the discharge to septic tank disposal systems is exceeded.

The Project includes the relocation and expansion of the existing sewage disposal system presently located to the northwest of the existing restroom facility. The estimated maximum day wastewater generation for the project and existing baseball field use is 2,206 gallons per day (gpd) once the concession building is constructed. This is an increase of 650 gpd from the estimated existing maximum day use of 1556 gpd. The estimated wastewater generation was calculated based on a track and field practice session and baseball field use during the same day. The effluent generated will be disposed of via a conventional septic tank and leach field system in conformance with Mono County Environmental Health and Lahontan

RWQCB standards for sewage disposal system design. Since the site encompasses 23.75 acres, this equates to a sewage disposal rate of 93 gpd per acre, which is well below Lahontan RWQCB's maximum allowable of 500 gpd per acre<sup>2</sup>.

It does not appear there has ever been a request for an exemption to install an on site sewage disposal system at the site and as part of this project one will be filed with Lahontan RWQCB. Since water quality tests of the existing two well on site have never shown any sign of contamination from the existing system there is no cause to expect groundwater contamination from the expanded sewage disposal system.

During significant track and field events portable restrooms will be provided to eliminate over loading of the sewage disposal system, which will eliminate the need to design a larger system for sewage flows that will only occur once or twice per year.

6-3 The Project would comply with Lahontan RWQCB's requirements and the NPDES permit process. As required by Mitigation Measure HWQ-4, a Storm Water Pollution Prevention Plan (SWPPP) is required, which would include Best Management Practices (BMPs) to protect water quality. The following BMPs will be incorporated into the Project:

- Revegetation of any disturbed areas, and drainage swales constructed to convey drainage as shown on the Project's landscape plan. The drainage swales will be designed in accordance to CASQA design guidelines to perform as bio-swales.
- Install temporary boundary fencing to mark the limits of clearing and grading and to define areas to be protected.
- Minimize the length and steepness of slopes to keep runoff quantities and velocities low.
- Trap sediment on-site through natural depressions, sediment traps, and utilizing perimeter protection such as straw wattles.
- Direct runoff away from disturbed areas through the use of drainage swales.
- Install a stabilized construction entrance to reduce the tracking of sediment off-site. When necessary, wash vehicle wheels on the stabilized entrance to remove sediment before leaving the site.
- Practices to prevent or minimize erosion and sedimentation shall be sized to control runoff for the 20 year one hour storm.
- Monitor and maintain all erosion and sediment control measures to ensure operation at maximum efficiency.

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<sup>2</sup> Thomas A. Platz, P.E., Triad/Holmes Associates (January 27, 2011).

Also see LID principles incorporated into Project design, Response 6-1, and Air Quality Mitigation Measures AQ-1 through AQ-6. These BMPs will be incorporated into the Project's grading permit, in addition to any other BMPs required by Mono County or Lahontan RWQCB. The mitigation measures, as revised herein, mitigating Project impacts are outlined in Section 3, *Mitigation Monitoring and Reporting Program*, below.

- 6-4 The commenter requests information regarding how potential impacts to surface waters of the State and/or waters of the U.S. will be mitigated.

A biological resources report was prepared by LSA Associates, Inc. for the Project site, which was attached as Appendix A to the IS/MND. The report found no potential jurisdictional waters of the U.S. or adjacent wetlands regulated by the U.S. Army Corps of Engineers (ACOE) and the RWQCB, or jurisdictional streambed of the California Department of Fish and Game in the study area. The ACOE also determined the Project site does not contain waters of the United States and is not subject to the ACOE's jurisdiction under Section 404 of the Clean Water Act<sup>3</sup>.

The drainage swales mentioned by Lahontan staff as possible waters of the U.S. and/or waters State are not well defined across the site; this is due to past grading operations. The swales mentioned enter the site and disappear becoming spread out across either the existing gravel parking area or existing disturbed area where the track will be located<sup>4</sup>. Drainage ultimately flows from the site into an existing roadside ditch with established vegetation. Therefore, since no waters of the State occur within the Project site, there would be no impact and no mitigation required.

- 6-5 Concern raised by commenter because the Project site is in an area where stormwater runoff could potentially contaminate surface waters that are tributary to Lake Crowley. The commenter sites the proposed dog park, parking lots, food concessions and consumption, roofing, chlorination of drinking water, and the potential for increased production of sewage as potential contributors to non-point source pollution. Also, proposed soil compaction, impervious surfaces, and drainage alterations were sited as having the potential to adversely impact the hydrological functions of the watershed.

Surface waters will be protected by the implementation of a SWPPP that will be prepared prior to commencement of construction. The SWPPP will incorporate construction and post construction CASQA BMPs. Included in the BMPs will be revegetation of any disturbed areas, and drainage swales constructed to convey drainage as shown on the Project's landscape plan (Exhibit 2-6). The drainage swales will be designed in accordance to CASQA design guidelines to perform as bio-swales. As required by the Lahontan RWQCB, an NPDES Statewide General Construction Permit will be obtained prior to construction.

Retention/percolation facilities will also be constructed in conformance with Lahontan RWQCB requirements for construction storm water runoff. The retention facilities will be

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<sup>3</sup> Bruce Henderson, Senior Project Manager, North Coast Branch Regulatory Division, Department of the Army (December 14, 2010).

<sup>4</sup> Thomas A. Platz, P.E., Triad/Holmes Associates (January 27, 2011).

sized to retain the volume of runoff for a twenty year - one hour storm event of one inch precipitation. The volume of runoff to be retained is 6,000 cubic feet, which will eliminate any surface runoff from disturbed and improved surfaces from a storm event of less than one inch and provide detention time for sediment removal during a storm event exceeding one inch of precipitation. Since no retention facilities are currently in place, it is anticipated that this Project will actually improve the storm water quality leaving the site<sup>5</sup>.

Non-point source pollution was also identified by Lahontan as an environmental concern including runoff from parking lots, food concession/consumption, and chlorinated water from the well. In order to mitigate potential pollutants from parking lots, drainage will be directed to flow into an oil/water separator to remove hydrocarbons prior to out-letting into the retention facilities. All food concession waste water will flow into the sewage disposal system to be treated by the septic tank and the upper portion of the soil. Since the well water meets water quality standards for drinking water without chlorination chlorinated water will not be a potential pollutant. Adequate wildlife resistant trash facilities and garbage pick-up services would be provided (also see Response 7-7). The dog park has been eliminated from the Project, further reducing potential impacts. Please also see Responses 6-1 through 6-4 and Mitigation Measures HWQ-1 through HWQ-6.

- 6-6 The commenter discusses potential swales that may exist on the Project site based on examination of aerial photos and schematics, and that beneficial uses of swales could either be adversely impacted or enhanced depending on Project design.

The drainage swales mentioned by Lahontan staff as possible waters of the U.S. and/or waters State are not well defined across the site; this is due to past grading operations. The swales mentioned enter the site and disappear becoming spread out across either the existing gravel parking area or existing disturbed area where the track will be located<sup>6</sup>. Drainage ultimately flows from the site into an existing roadside ditch with established vegetation. Project BMPs will consist of revegetation of any disturbed areas, and drainage swales constructed to convey drainage as shown on the Project's landscape plan (Exhibit 2-6). The drainage swales will be designed in accordance to CASQA design guidelines to perform as bio-swales. Also, please see Responses 6-4, 6-5, and 6-7.

- 6-7 The commenter states that the proposed landscaping does not show engineering design features for bio-swales or other infiltration BMPs and no description or analysis is provided of the proposed alterations of stormwater flows.

The Project SWPPP will incorporate construction and post construction CASQA BMPs. Included in the BMPs will be revegetation of any disturbed areas, and drainage swales constructed to convey drainage as shown on the Project's landscape plan (Exhibit 2-6). The drainage swales will be designed in accordance to CASQA design guidelines to perform as bio-swales. As required by the Lahontan RWQCB, an NPDES Statewide General Construction Permit will be obtained prior to construction. Please also see Responses 6-1, 6-3, and 6-6.

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<sup>5</sup> Thomas A. Platz, P.E., Triad/Holmes Associates (January 27, 2011).

<sup>6</sup> Thomas A. Platz, P.E., Triad/Holmes Associates (January 27, 2011).



- 6-8 The Project is also required to comply with the Water Quality Control Plan for the Lahontan Region (Basin Plan). The Project will comply with Lahontan requirements, including compliance with the Water Quality Control Plan. Please also see Response 6-3.

The commenter also requests that the IS/MND be revised to reflect that the NPDES Statewide General Construction Permit does not specify rainy season dates (e.g. October 15<sup>th</sup> to April 15<sup>th</sup>), but instead requirements are based on rain events that may occur year round. In response to this comment, Mitigation Measure HWQ-5 has been revised as follows:

**HWQ-5:** Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized ~~between October 15<sup>th</sup> and April 15<sup>th</sup> as required by the Mono County Public Works Department and Lahontan Regional Water Quality Control Board.~~

- 6-9 Comment noted as requested. Adequate mitigation measures, as revised herein, are included to reduce Project impacts to less than significant levels as identified in Section 3, *Mitigation Monitoring and Reporting Program*, below.



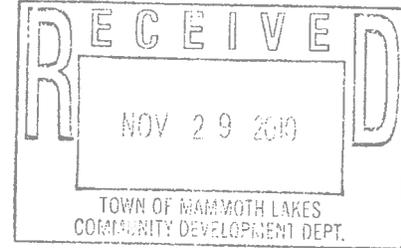
DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Inland Deserts Region (IDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171
(760) 872-1284 FAX



November 24, 2010

Ms. Jen Daugherty
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546



Subject: Initial Study and Proposed Mitigated Negative Declaration for Whitmore Park Track and Sports Field Project – SCH#2010102049

Dear Ms. Daugherty,

The Department of Fish and Game (Department) has reviewed the October 2010 Initial Study and Proposed Mitigated Negative Declaration (ISMND), prepared by the Town of Mammoth Lakes (Lead Agency) for the above referenced project. The Department is providing comments as the State agency which has statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (CEQA) (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The proposed Whitmore Park Track and Sports Field Project (Project) is located within the 23.75-acre Whitmore Regional Park area south of the Mammoth Lakes Airport near the "Green Church" at Benton Crossing Road and Highway 395. The proposed Project is entirely within the existing Whitmore Regional Park boundary where there are currently three (3) ball fields, the Mono County Animal Shelter, a restroom building and access and parking areas. The proposed Project site is mostly disturbed; the undisturbed portions contain stands of basin sagebrush scrub habitat.

7-1

7-1  
cont.

Components of the proposed Project include construction of a nine lane polyurethane track with perimeter fence and access gates, field events facilities (e.g., long/triple jump and pole vault runways, high jump, steeple water barrier, shot put and discus rings and throw rings/sectors), down-directed field lighting, 9,700 square foot synthetic infield with 30-foot tall football goal posts, terraced seating, 20-foot tall concessions/locker/storage/weight building, covered open-air picnic pavilion, walkways and plaza, fitness trails, workout stations, landscaping with natives (i.e., Jeffery pine, quaking aspen, hydroseed mix), access driveways with entry sign (no more than 20-feet tall) and paved parking. The proposed Project, open as weather permits, but generally from spring through fall, would be 'open' to everyone. Although the proposed Project includes amending the current lease, that action is not being addressed herein.

The proposed Project also includes necessary grading, drainage, utility improvements, and septic, leach and sewer systems associated with the concessions building. Facility maintenance would be required to keep the track clear of dust and debris. The proposed Project would be constructed in phases, beginning summer 2011 and completed no later than 2015.

**The Department offers the following comments and recommendations:**

The proposed Project area is dominated by Great Basin sagebrush scrub plant community comprised by a mixture of antelope bitterbrush (*Purshia tridentata*), basin big sagebrush (*Artemisia tridentata*) and rabbitbrush (*Chrysothamnus sp.*). The proposed Project area provides foraging, breeding, natal rearing and dispersal habitat for a variety of wildlife species, including mule deer and greater sage-grouse and several known sensitive plant species are known to occur in the area.

Special Status Plants

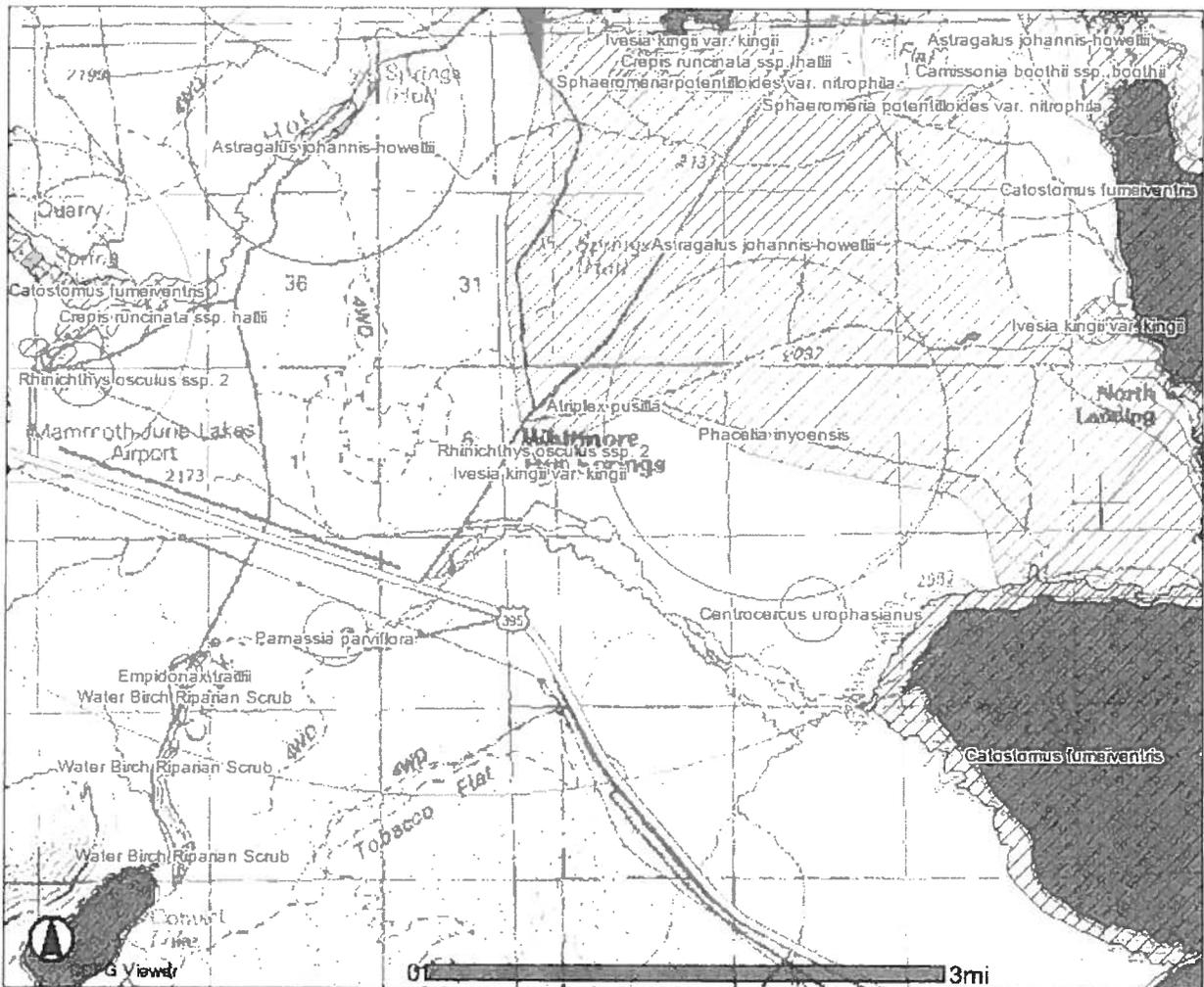
7-2

1. ISMND Attachment A, Biological Resources Report(s) (BRR) indicates Long Valley milk vetch (*Astragalus johannis-howellii*), state listed 'rare' and California Native Plant Society (CNPS) list 1B.2, is the only plant species of concern that may occur on the proposed Project site. The potential for occurrence is noted because, "...marginally suitable habitat is present." Although surveys in 2009 were conducted on July 3 and 6, which is within the bloom period for this species, this BRR does not indicate if this, or any of the potentially occurring plant species, were observed, only that, "This species has a low potential of occurrence on site due to the degraded nature of the basin sagebrush habitat.... [and] Given the marginal quality of the habitat and the relatively small project area, any occurrence of this species on the site would be expected to involve relatively few individuals." This non-definitive statement does not specify whether or not Long Valley milk vetch was observed, or not, during surveys. The 2010 BRR does state specifically that Long Valley milk vetch was not observed; however, surveys were conducted on June 5 and 6, 2010 and although the bloom period for this species is June –August, the bloom period this year (2010) was significantly delayed due to unseasonable weather. Thus, the Department contends, based on evidence in the record, surveys for the proposed Project have not adequately demonstrated that Long Valley milk vetch does not occur.

2. In addition to the potential for occurrence of Long Valley milk vetch, the proposed Project area provides appropriate habitat for Inyo Phacelia (*Phacelia Inyoensis*), a CNPS list 1B.2; alkali ivesia (*Ivesia kingii* var. *kingii*), a CNPS list 2.2; and smooth saltbush (*Atriplex pusilla*), a CNPS list 1. Based on known occurrences reported to the California Natural Diversity Data Base (CNDDDB), these plant species may also be present in the immediate proposed Project vicinity (Map 1). The Department contends, based on evidence in the record, these plant species may be present and have not been surveyed for.

Map 1

CNDDDB mapped occurrences of special status species in the vicinity of the proposed Project



Three of the above mentioned potentially occurring plant species are CNPS List 1B and List 2 and meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (Fish and Game Code), and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

7-3  
cont.

**Based on the above, the Department requests the Lead Agency conduct a site-specific vegetation survey.** The Survey should be conducted by a qualified botanist during the appropriate time of year to identify any rare plant populations that may potentially occur. Survey results should be provided for agency and public review under CEQA and Project modifications may be required to avoid significant impacts. Such surveys should be conducted in accordance with the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. The URL is:

[www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf)

### Greater Sage-Grouse

On March 5, 2010, the United States Fish and Wildlife Service (USFWS) determined that greater sage-grouse warranted listing under the Endangered Species Act (ESA), but were currently precluded by the need to list higher priority species first. Additionally, the USFWS determined that the bi-state population of greater sage-grouse, occupying Mono and Inyo counties and surrounding counties in Nevada, is a Distinct Population Segment. Greater sage-grouse are now candidates for listing under ESA both range-wide and in the bi-state distinct population segment.

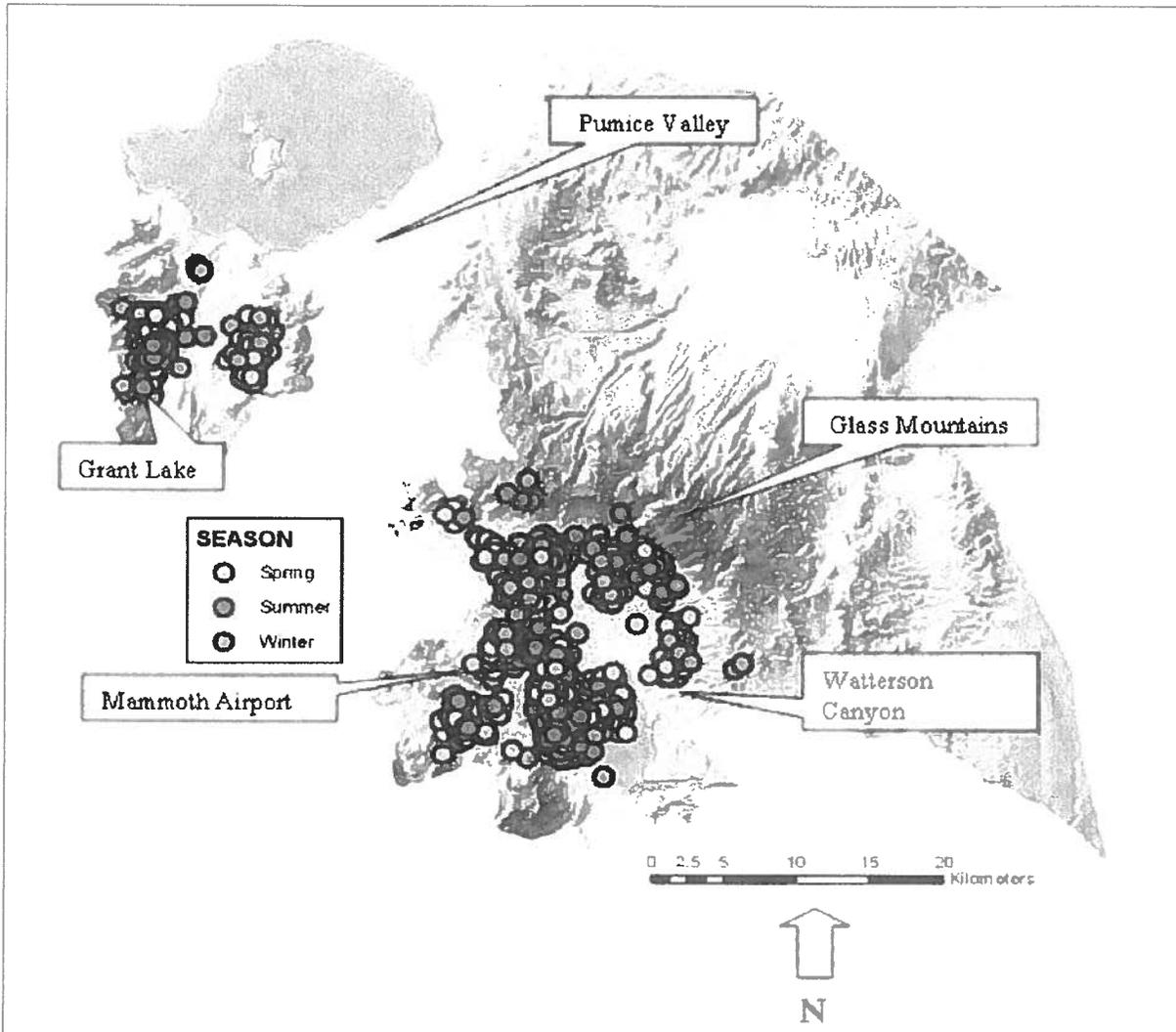
1. The Department appreciates the April 9, 2010 amendment to the ISMND Appendix A, BRR, prepared by LSA Associates, that addresses potential Project impacts to greater sage-grouse (which were not addressed previously in the September 18, 2009 BRR). The amendment includes the following statement and makes a single recommendation which is incorporated into the ISMND:

7-4

*“Sage-grouse habitat is defined by large areas of contiguous sagebrush, particularly big sagebrush (*Artemisia tridentata*), with native understories. The Long Valley population of greater sage-grouse occurs in the area surrounding Crowley Lake, approximately 2.5 miles southeast of the project site, and from the area east of the Mammoth Airport, approximately 1 mile northeast of the project site. While this species is known from the area, the greater sage-grouse has a low potential of occurrence on site due to the degraded nature and small amount of basin sagebrush habitat within the project area. The proposed project would not result in loss of quality suitable habitat for this species and is not expected to result in direct or indirect impacts to the greater sage-grouse. As a pre-cautionary measure, surveys for nesting birds prior to project activities are recommended, as discussed below, in order to prevent potential impacts to this species.”*

The Department contends that conducting surveys “as a pre-cautionary measure” for a proposed project that “would not result in loss of quality suitable habitat for this species and is not expected to result in direct or indirect impacts...” is an inconsistent summary of impacts and recommendations and is also unnecessary based on available species specific information. The Department also contends, contrary to the information contained in the BRR(s), the proposed Project area is heavily used by Long Valley sage-grouse. This assertion is visually demonstrated in the graphic that follows. Figure 20, excerpted from the Ecology of Greater Sage-Grouse in the Bi-State Planning Area Final Report, September 2007, shows the tracked locations of 48 radio-collared sage-grouse (The Mammoth Lakes Airport provides a mapped reference location to the proposed Project area.).

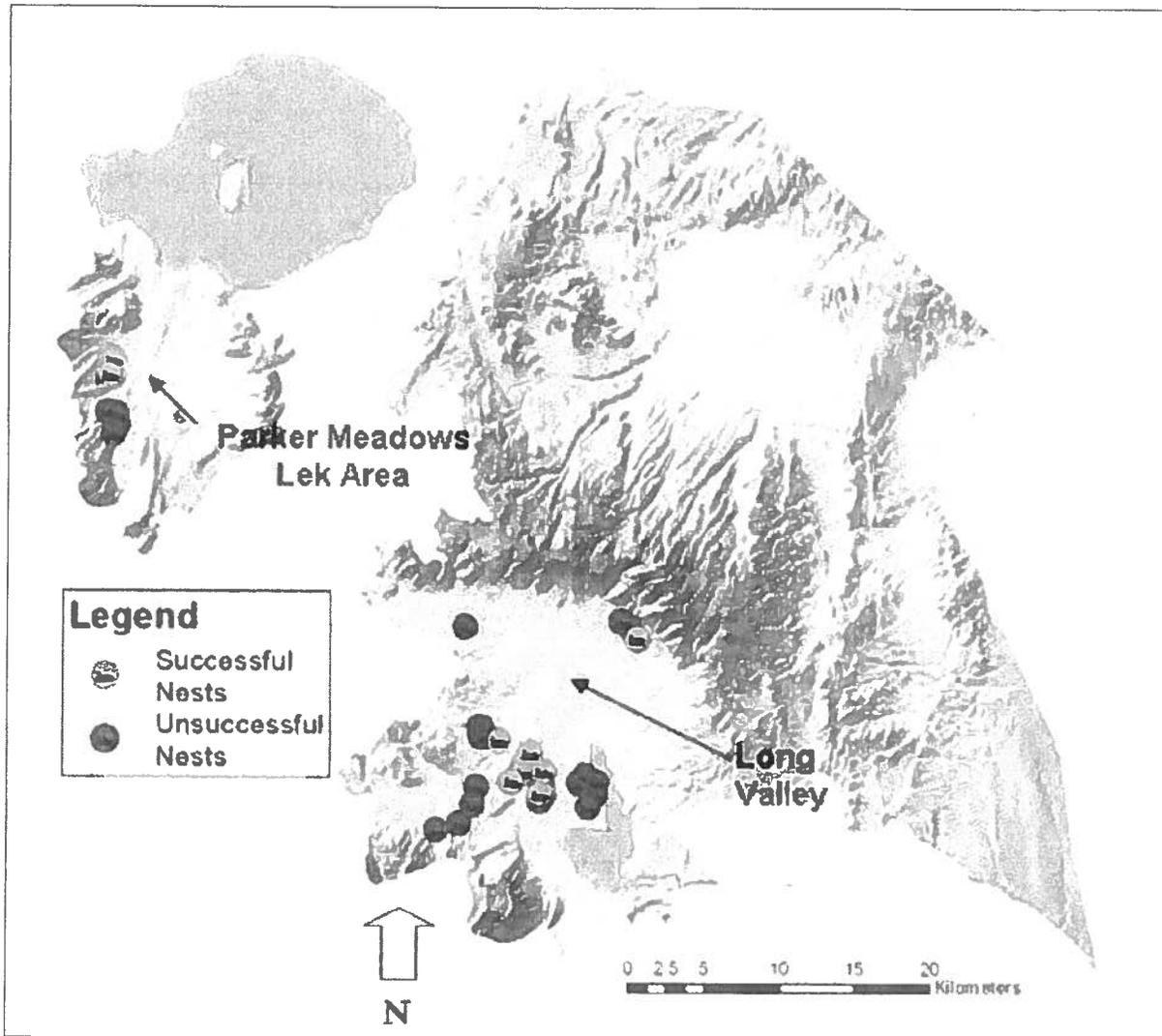
**Figure 20 - excerpt**  
Ecology of Greater Sage-Grouse in the Bi-State Planning Area Final Report, September 2007



7-4  
cont.

In addition to those collared, large numbers of uncollared individuals (up to 300) were observed during tracking (Figure 21, not excerpted herein). Figure 22 below, excerpted from the same report, shows successful and unsuccessful nest locations for the radio-collared sage-grouse. Long Valley sage-grouse brood use occurs at the Whitmore Tubs area extending to the hills over Little Alkali Lake and east of Benton Crossing Road from Whitmore Tubs to Lek 2 and Lek 3. The report identifies Long Valley sage-grouse use areas to include year-round use of a large area between Lake Crowley on the south and east, Alkali Flat on the north, between Hot Creek and Little Hot Creek on the west and a small area north of the airport with evidence of expanded use in the Spring and Summer in areas south and west of the airport. The report also maps mortality locations (Figure 24, not excerpted herein), which occur primarily near Long Valley leks and most of the mortalities occurred in the spring and summer use areas and not in the winter use areas.

**Figure 22 - excerpt**  
Ecology of Greater Sage-Grouse in the Bi-State Planning Area Final Report, September 2007



7-5

2. ISMND, Page 4-20 states, "... No sage-grouse were observed during site surveys, and use of [the area by?] sage-grouse is expected to be minimal due to the small amount of basin sagebrush vegetation, the disturbed nature of the vegetation, and the level of human activity on the site. In addition, the Mono County Master Environmental Assessment does not show any sage-grouse leks on or immediately adjacent to the Project site (Figures 28 and 33J). However, Mitigation Measure BIO-1 has been included to ensure that impacts to sage-grouse are less than significant."

The Department has serious concerns with the adequacy of the analysis of potential impacts to Long Valley sage-grouse. As previously stated, areas immediately adjacent to the proposed Project area, south of Benton Crossing Road and east of Whitmore pool, are known to support sage-grouse and the proposed Project area itself supports stands of foraging habitat. Sage-grouse are a sagebrush obligate species, and loss and alteration of sagebrush habitat is a primary reason for population declines

(Connelly and Braun 1997, Connelly *et al.* 2000). When compared to most upland game birds, sage-grouse are relatively long-lived and have low annual production. Sage-grouse exhibit strong fidelity to breeding habitats (strutting grounds, nesting and early-brood rearing habitats) and to winter habitats. This life-history pattern makes sage-grouse especially vulnerable to habitat loss and disturbance and results in slow re-colonization following habitat modification. The 2004 Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California cites (page 170) 'recreational activities' as a threat to Long Valley sage-grouse populations, "affecting multiple birds on multiple sites year round, but especially during the breeding and nesting seasons."

7-5  
cont.

**Based on the above, the Department requests the Lead Agency:**

- a. analyze the potential impact of increased human activity on sage-grouse (i.e., facility visitors using adjacent areas for long distance training, dog walking, sight seeing, off-site/over-flow parking)
- b. propose mitigation to lessen the impact of increase human activity; and
- c. describe how the proposed mitigation measures reduce the effect of the Project to a less than significant level.

The Department would like to point out the status of the bi-state sage-grouse populations have undergone long-term population declines. The sagebrush habitats on which they depend have experienced extensive degradation and loss. This is especially true in Mono County due to the large number of projects proposed in proximity to sage-grouse leks. The Department remains concerned about the indirect impacts on sage-grouse related to such projects and the resulting increased human activities in proximity to sage-grouse leks that potentially result in range contraction (i.e., grouse habitat becomes unsuitable due to increased human disturbance at and near project areas).

3. ISMND, Page 4-21, BIO-1: "*Vegetation clearing should be done between September 1 and March 30, outside the Greater Sage-Grouse nesting season. If vegetation must be cleared between April 1 and August 31, the Greater Sage-Grouse nesting season, then a nesting Greater Sage-Grouse survey should be conducted by a qualified biologist no more than one week prior to clearing. If nesting Greater Sage-Grouse are found, then no clearing should be done within 300 feet of any active nest.*"

7-6

The intent of this mitigation measure is unclear. If the intent of this measure is to address the potential impacts of vegetation clearing on sage-grouse, the measure should reflect the mating, breeding and nesting periods.

**Based on the above, the Department requests the Lead Agency revise BIO-1 as follows:**

*'Sage-grouse typically begin gathering on leks in late February and begin the breeding season in early March, with the peak of breeding season occurring during late March through mid to late April. Therefore, vegetation clearing activities shall not occur from February 15 through July 30.'*

4. Any elevated structures, including landscape trees regardless of whether they are native or not, will provide perching platforms for raptors and corvids. Numerous studies have reported that man-made structures, such as power poles, wind mills and

7-7

7-7  
cont.

even wooden fence posts (that are less than 10-feet in height) have lead to increased raptor and corvid visitation to areas not normally supporting elevated perches. Perches increase a raptor or corvid's range of vision and increase hunting efficiency. Because sage-grouse only occur in areas devoid of trees and other structures, the potential impact of these structures cannot be over emphasized. The concessions building, goal posts, landscape trees, and entry sign, will attract new avian predators to the area, reduce mating, nesting and brood rearing success, and reduce the amount of available sagebrush habitat through avoidance of these areas by sage-grouse. Coates (2007) surmised that any increase in raptor and corvid abundance on sage-grouse range could result in predation rates outside the zone of natural variation.

**Based on the above, the Department requests the Lead Agency:**

- a. analyze the potential impact of raptors and corvids on sage-grouse due to increased human activities that generate a food source (trash);
- b. propose mitigation to lessen the impact of increased human activity (i.e., provide wildlife proof dumpsters, regular dumpster pick-up, and litter control measures); and
- c. describe how the proposed mitigation measures reduce the effect of the Project to a less than significant level.

7-8

5. The proposed Project includes installation of new fence and relocation of existing fence. Impacts to sage-grouse from wire fence include direct mortality and injury resulting from fence collisions. The ISMND does not include wildlife friendly fence specifications or mitigation to minimize impacts of fencing on sage-grouse. There are several commercially available reflective markers on the market. New research (Christiansen 2009) on the impacts of wire fences on sage-grouse recommends that no new fence be built within ¼ mile of a sage-grouse lek. The author also recommends putting cones on top of wooden fence posts to deter perching. These recommendations are especially important when considering future fencing projects in the Long Valley area.

**Based on the above, the Department requests the Lead Agency include the following mitigation:**

*'All newly constructed or relocated wire fence shall be equipped with reflective flight diverters or markers that flip in the wind and glow in the dark to prevent collisions under low light conditions.'*

7-9

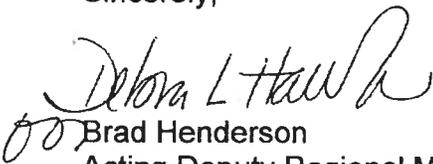
6. Last, habitat modification and disturbance from grading (vegetation removal), landscaping and maintenance, and other factors could result in the invasion of disturbed sites by exotic annual plants such as cheat grass (*Bromus tectorum*). Cheat grass often out competes native perennial grasses for limited resources and provides an early maturing, fine-textured fuel that increases risk of fire, often resulting in property destruction and catastrophic loss of wildlife habitat, potentially resulting in the loss of the sagebrush plant community.

**Based on the above, Department requests the Lead Agency include measures to minimize the invasion of cheat grass and other non-native weeds.**

7-10 The Department contends the Lead Agency has failed to appropriately analyze proposed Project impacts to potentially sensitive plant species or sage-grouse or include mitigation measures that sufficiently avoid, minimize, rectify, reduce, eliminate or compensate for impacts such that risks to these species are reduced to a less than significant level. Mitigation recommendations proposed herein may minimize Project related impacts to Long Valley sage-grouse, but may not reduce impacts to less than significant levels when combined with other current and future projects. A cumulative loss of suitable habitat and is considered by the Department to be a significant, cumulative impact. As such, the Department does not concur with the Lead Agency determination made for this proposed Project. Section 15064 (f) (1) of the CEQA guidelines states that in the presence of substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR, and may also need to prepare a Statement of Overriding Considerations.

Thank you for the opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Tim Taylor, Associate Wildlife Biologist at (760) 932-5749, or Debra Hawk, Environmental Scientist, at (760) 872-1126.

Sincerely,

  
Brad Henderson  
Acting Deputy Regional Manager

cc: State Clearinghouse  
Chron

Literature Cited:

Bi-State Local Planning Group in Conjunction with the Nevada Governor's Conservation Team, 2004, Greater Sage-Grouse Conservation Plan for the Bi-State Plan Area of Nevada and Eastern California. First Edition.

Casazza, M. L., *et al.* 2007. Ecology of Greater Sage-Grouse in the Bistate Planning Area, Final Report. Western Geographic Science Center, Menlo Park, CA and University of Nevada, Reno, NV.

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Connelly, J. W., M. A. Schroeder, A. R. Sands, and C. E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. *Wildlife Society Bulletin* 28:967-985.

**7. RESPONSES TO COMMENTS FROM BRAD HENDERSON, CALIFORNIA DEPARTMENT OF FISH AND GAME, DATED NOVEMBER 24, 2010.**

7-1 The commenter identifies the Department of Fish and Game's role and responsibilities and describes the proposed Project; no response necessary.

7-2 The Department of Fish and Game (DFG) states that surveys for the proposed Project have not adequately demonstrated that Long Valley milk vetch does not occur.

Biological resources reports for the Project site were prepared by both LSA Associates, Inc. ("LSA") and Greg Miller, Wildlife Biologist, attached as Appendix A to the IS/MND. A rare plant survey was also conducted for the Project site on July 7<sup>th</sup> 2011 by Stephen Ingram in response to DFG's comments. The botanical survey results were documented in the *Botanical Survey of the Whitmore Park Track and Sports Field Project*, dated July 14, 2011:

*"Long Valley milk-vetch (Astragalus johannis-howellii) is a state-listed rare species and a BLM and USFS Sensitive species that is found in Great Basin mixed scrub vegetation in many areas of Long Valley, including one site approximately 0.75 mile northeast of the project area where it was observed just prior to this survey. Long Valley milk-vetch was not observed within the project area, nor were any other state- or federally-listed rare, threatened or endangered species. The non-disturbed habitat within the project area is less sandy, less alkaline, and more densely covered with shrubs than the habitat that harbors Long-Valley milk-vetch nearby. If this species occurred within the project area, it would have been easily observable while walking transects, and I am confident that the probability of its occurrence within the project area is extremely low" (Stephen Ingram).*

Therefore, no Long Valley milk vetch was found on the Project site and no mitigation measures are required.

7-3 Commenter states that the following plant species may be present and have not been surveyed for: Inyo Phacelia, alkali ivesia, and smooth saltbrush. The DFG requests a site-specific vegetation survey to be conducted by a qualified botanist during the appropriate time of year and in accordance with DFG's protocols to identify any rare plant populations that may potentially occur.

During field surveys conducted by LSA on July 3<sup>rd</sup> and 6<sup>th</sup> 2009, no Inyo Phacelia, alkali ivesia, or smooth saltbrush was observed in the study area. A rare plant survey was also conducted for the Project site on July 7<sup>th</sup> 2011 by Stephen Ingram in response to DFG's comments. The botanical survey results were documented in the *Botanical Survey of the Whitmore Park Track and Sports Field Project*, dated July 14, 2011:

*"Smooth saltbush (Atriplex pusilla) is a CNPS List 2 species (see Table 1 for status definitions) that appears in the CNDDDB from a 1938 record from "Long Valley, Hot Creek region." This annual herb occurs in alkaline soils, generally in playas or valley bottoms. It would not be expected in the habitats within the project area, and no Atriplex species were observed during the survey.*

*Alkali ivesia (Ivesia kingii var. kingii) is a CNPS List 2.2 species that occurs in alkaline meadows and playas of the Great Basin. This perennial is known from an alkaline playa south of Little Alkali Lake, approximately 2.5 miles northeast of the project area. Alkali ivesia would not be expected in the project area, and no ivesia was observed during the survey. (Other plants alkali ivesia typically occurs with, such as alkali cord grass (Sporobolus airoides) and saltgrass (Distichlis spicata) were not present within the project area either).*

*Inyo phacelia (Phacelia inyoensis) is a CNPS List 1B.2 species that is endemic to Inyo and Mono Counties. This tiny annual herb occurs in alkaline meadows and near seeps, and is known from near the Cashbaugh Ranch, approximately 5 miles north of the project area. This species would not be expected in the project area, and no phacelias were observed during the survey” (Stephen Ingram).*

One additional species, golden violet (*Viola purpurea* ssp. *Aurea*) was observed, but were located beyond the bounds of any expected disturbance areas associated with the Project<sup>7</sup>. Therefore, no mitigation measures for special plant species are required.

- 7-4 The DFG contends that the proposed Project area is heavily used by Long Valley sage-grouse (“sage-grouse”), contrary to the biological resources reports prepared by both LSA and Mr. Miller. DFG provides graphics to show tracked locations of radio-collared sage-grouse and successful and unsuccessful nest locations excerpted from the *Ecology of Greater Sage-Grouse in the Bi-State Planning Area Final Report, September 2007*.

While both the Mono County Master Environmental Assessment (MEA) and the Town and United Airlines Final Environmental Assessment (EA) (June 2010) do not show any sage-grouse leks on or immediately adjacent to the Project site<sup>8</sup>; the Project site is located within current sage-grouse range, and therefore, Mitigation Measure BIO-1 was included in the IS/MND to mitigate any potential impacts to sage-grouse<sup>9</sup>. Please see Responses 7-5 through 7-8, that include responses to specific sage-grouse comments.

- 7-5 The commenter is concerned about the indirect impacts on sage-grouse and the resulting human activities in proximity to sage-grouse leks. The DFG request the Town to:
- a. Analyze the potential impact of increased human activity on sage-grouse (i.e. facility visitors using adjacent areas for long distance training, dog walking, sight seeing, off-site/over-flow parking);
  - b. Propose mitigation to lessen the impact of increased human activity; and
  - c. Describe how the proposed mitigation measures reduce the effect of the Project to a less than significant level.

Direct take of sage-grouse is not anticipated as a result of proposed Project implementation. Due to the high level of disturbance and frequent human use of the proposed Project area,

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<sup>7</sup> Stephen Ingram, Botanical Survey of the Whitmore Park Track and Sports Field Project (July 14, 2011).

<sup>8</sup> Mono County MEA, Figures 28 and 33]; Town and United Airlines Final EA, Figure 5.11-1.

<sup>9</sup> Town of Mammoth Lakes and United Airlines, Final Environmental Assessment (June 2010), Appendix C, Figure 1.

suitable nesting and foraging habitat for the species does not occur within the areas designated for development. Potential indirect impacts to sage-grouse as a result of Project implementation are directly associated with the potential for increased human presence in adjacent areas of suitable habitat<sup>10</sup>.

The Project would minimize potential impacts of increased human activity on sage-grouse because users of the Project would be focused within the existing Whitmore Regional Park rather than dispersed in the surrounding areas. In addition, a fitness trail system of six foot wide compacted soil would keep users on designated trail areas rather than in areas not to be disturbed. Also, no dog park is proposed as part of the Project.

It is not anticipated that the Project would result in increased sight seeing that would have a potentially significant impact on sage-grouse because users and visitors to the Project site are anticipated to be focused on the Project site, using the proposed facilities, or observing a track and field competition or sports game.

Overflow parking for the Project site is proposed in areas that are already disturbed. Mitigation Measure LUP-2 requires special event permits for special events on the Project site to address parking and staging, noise, and other issues. To reduce any potential impacts to undisturbed areas this Mitigation Measure also states, “No parking or staging shall be permitted outside of designated areas (e.g. undisturbed areas).” No off-site parking is proposed as part of the Project.

The proposed addition of recreation facilities will attract greater numbers of people to the area than currently use the existing Whitmore Regional Park. This greater use increases the potential for:

- Visitors to leave the park area and enter suitable nesting and foraging habitat.
- Visitors to leave trash in areas accessible to ravens, therefore attracting additional sage-grouse predators to the area.
- Visitors to bring dogs to the site and allow them off-leash, therefore creating the chance for predation of sage-grouse, including eggs and nestlings.

In order to minimize the potential for negative impacts to sage-grouse as a result of increased human use of the area, Mitigation Measure BIO-1 has been revised to include the following:

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<sup>10</sup> ISA, Comments & Responses Form, Whitmore Park Track and Sports Field Project – SCH#2010102049 (July 22, 2011).

**BIO-1.b:**

- i. Trash bins that are considered raven-proof shall be provided throughout the Whitmore Regional Park, as determined by a qualified biologist or California Department of Fish and Game representative.
- ii. Trash bins on the Project site shall be emptied and trash taken off-site a minimum of one time per week. If it is found that trash bins fill up more often than one time per week, the frequency of this service will be increased accordingly. Additional trash removal services shall be provided during and immediately following any special event on the Project site.
- iii. Signage shall be provided educating park visitors regarding the presence of Greater sage-grouse in surrounding habitats and potential impacts on this species as a result of human presence. Signage shall:
  - a. Encourage park visitors to stay within the park limits during their visit;
  - b. Encourage park visitors to dispose of trash in Town-provided trash cans that are deemed wildlife-proof (including raven-proof) by a qualified biologist or California Department Fish and Game;
  - c. Encourage/require park visitors to keep all pets on leashes during their visit, except for developed areas that are secured with fences and gates (e.g., ball field used for dog agility classes);
  - d. Be placed in prominent areas, including at least one sign in the parking lot and one sign at the entrance to the running track; and
  - e. Educational signage shall not be taller than five feet high in order to reduce the potential for raven and/or raptor perching.
- iv. The proposed addition of infrastructure including trees, buildings, light posts, and fences increases the perch space for ravens and raptors, thereby attracting additional sage-grouse predators to the area. In order to minimize potential new perching areas for sage-grouse predators, the following minimization measures shall be implemented:
  - a. Additional trees planted for Project landscaping shall be minimized to only the number necessary to comply with Town and Mono County regulations regarding development, such as aesthetics, air quality (e.g., dust control), and water quality (e.g., erosion control).
  - b. The trees proposed to be planted shall be replaced with shorter plant materials to the maximum extent feasible.

- c. Lighting on posts shall be minimized to the greatest extent feasible. If possible, lights shall be fitted with bird-detererring equipment such as spikes at the top where predators would potentially perch.
- d. Fencing associated with the proposed Project shall be minimized to the greatest extent feasible.
- e. New or relocated barbed wire fence shall be avoided to the maximum extent feasible. All newly constructed or relocated wire fence shall be equipped with reflective flight diverters or markers that flip in the wind and glow in the dark to prevent collisions under low light conditions.

Therefore, the potential increase in human activity on sage-grouse would be less than significant, with the revision of Mitigation Measure BIO-1.

- 7-6 The DFG requests Mitigation Measure BIO-1 to be revised to reflect the mating, breeding, and nesting periods. In response to this comment, Mitigation Measure BIO-1 has been revised as follows:

**BIO-1.a:** Sage-grouse typically begin gathering on leks in late February and begin the breeding season in early March, with the peak of breeding season occurring during late March through mid to late April. Therefore, vegetation clearing activities shall not occur from February 15 through July 30. However, if vegetation clearing activities must occur between February 15 and July 30 (i.e., Project vegetation clearing activities cannot feasibly avoid the breeding bird season), a nesting bird survey shall be conducted by a qualified biologist in compliance with California Department of Fish and Game nesting bird survey protocol. A qualified biologist should have experience in conducting breeding bird surveys. Beginning thirty (30) days prior to the disturbance of suitable nesting habitat, the Project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors). The last survey should be conducted no more than three (3) days prior to the initiation of vegetation clearing activities.

- If a protected native bird is found, the Project proponent should delay all vegetation clearing activities/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until July 30 or continue the surveys in order to locate any nests. If an active nest is located, vegetation clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The Project proponent should record the results of the recommended protective measures

described above to document compliance with applicable State and Federal laws pertaining to the protection of birds.

- If nesting birds are not found in the survey area, no further mitigation would be required and vegetation clearing and construction can commence.

~~Vegetation clearing should be done between September and March 30, outside the Greater Sage-Grouse nesting season. If vegetation must be cleared between April 1 and August 31, the Greater Sage-Grouse nesting season, then a nesting Greater Sage-Grouse survey should be conducted by a qualified biologist no more than one week prior to clearing. If nesting Greater Sage-Grouse are found, then no clearing should be done within 300 feet of any active nest.~~

Therefore, the potential impact on sage-grouse would be less than significant, with the revision of Mitigation Measure BIO-1.

7-7 The DFG states that the concessions building, goal posts, landscape trees, and entry sign will attract new avian predators to the area, which will reduce mating, nesting, and brood rearing success, and reduce the amount of available sagebrush habitat through avoidance of these areas by sage-grouse. The DFG request the Town to:

- a. Analyze the potential impact of raptors and corvids on sage-grouse due to increased human activities that generate a food source (trash);
- b. Propose mitigation to lessen the impact of increased human activity (i.e. provide wildlife proof dumpsters, regular dumpster pick-up, and litter control measures); and
- c. Describe how the proposed mitigation measures reduce the effect of the Project to a less than significant level.

Solid waste disposal service for the Whitmore Regional Park is currently contracted with Mammoth Disposal Incorporated. As stated on page 4-59 of the IS/MND, the Project is not anticipated to generate substantial amounts of solid waste since it is a recreational type project. Solid waste is disposed at the Benton Crossing Landfill, located northeast along Benton Crossing Road. Events on the Project site will require a special event permit, which would address trash including requiring adequate pick-up and removal services. Currently, the existing dumpster on the Project site is locked and only unlocked during events or approved use of the existing facilities. Please see Response 7-5.

Therefore, the potential impact from the increase in human activity, raptors, and corvids on sage-grouse would be less than significant, with the revision of Mitigation Measure BIO-1.

7-8 The commenter requests a new mitigation measure to be added to address potential impacts of fences on sage-grouse. Please see Response 7-5. Therefore, the potential impact from fences on sage-grouse would be less than significant, with the revision of Mitigation Measure BIO-1.

7-9 The DFG requests the Town to include measures to minimize the invasion of cheat grass and other non-native weeds that can affect wildlife habitat through the loss of the sagebrush plant community. The landscaping proposed with the Project would include native trees and plants. A native hydroseed mix or other permanent erosion control would be applied to all new areas disturbed by Project construction. The Project would include BMPs and standard grading protocol that would minimize the establishment of non-native weeds. However, in response to this comment, Mitigation Measure BIO-1 has been revised to include the following:

**BIO-1.c:** The following measures will be implemented to minimize the invasion of cheat grass and other non-native weeds as a result of Project development:

During Construction

- i. Vegetation clearing shall be minimized to the extent possible, such that vegetation is only removed in areas requiring clearing for development, if possible.
- ii. Mature and seedling cheat grass and invasive plants shall be removed through means appropriate for the site, including hand-pulling, mechanical clearing, and/or the application of herbicides. If mechanical clearing is to be used, a moldboard plow should be utilized and adjusted to turn over soil and bury soil surfaces at least two and one-half inches deep to prevent germination.
- iii. Immediately following the removal of cheat grass or invasive species (“target species”) a pre-emergent herbicide shall be applied to all areas where target species were found. The application of herbicide should be made in late summer or the fall for the best results. Herbicides such as *Journey* and *Plateau* should be considered for use. In particular, *Journey*, when applied properly will not kill most perennial native plants, but will prevent cheat grass from germinating.
- iv. In all cases, the application of herbicide shall use best management practices to avoid erosion and herbicides in runoff from reaching rivers, streams, lakes, and other wetland areas.
- v. Any re-vegetation of disturbed soils shall take place as soon as feasible after the removal of target species and/or the application of herbicide. Soil surfaces should not be exposed for prolonged periods of time, particularly during the spring when invasives are setting seed.
- vi. Topsoil shall be stored in a designated area that will not be prone to the spread of invasive weeds, such as on pavement.
- vii. All stockpiled soil shall be covered due to heavy amounts of cheat grass in the sagebrush scrub understory.

- viii. Gravel and fill should come from weed-free sources.
- ix. If construction vehicles must travel over vegetated areas, tires shall be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas.
- x. The removal of roadside vegetation during construction shall be minimized to the greatest extent possible.
- xi. Erosion and sediment control materials shall be certified as weed-free.
- xii. A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeding, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.

#### Following Construction

- xiii. Any bare ground as a result of construction activities shall be revegetated using certified weed-free seed and/or native plants known from the surrounding area.
- xiv. If revegetation is required, a revegetation plan shall be prepared that:
  - a. Ensures establishment and maintenance of vigorous, desirable native vegetation to discourage weeds;
  - b. Provides for monitoring of all revegetated areas for weed infestation;
  - c. Provides for treatment of all weeds within newly seeded areas with a California Department of Fish and Game approved herbicide;
  - d. Provides for the use of mulch, if applicable, to minimize the amount of noxious weed seeds that will reach the soil surface and subsequently germinate;
  - e. Required the landscaping contractor to obtain soil and mulches from weed-free sources;
  - f. Ensures that any seed used in revegetation or landscaping shall be certified weed-free; and
  - g. Provides for a minimum of three years of monitoring and management of revegetated areas following the above guidelines.

Therefore, the potential impact on biological resources would be less than significant, with the revision of Mitigation Measure BIO-1.

- 7-10 The DFG contents the Town failed to appropriately analyze proposed Project impacts to potentially sensitive plant species or sage-grouse or include mitigation measures that

sufficiently avoid, minimize, or rectify, reduce, eliminate, or compensate for impacts such that risks to these species are reduced to a less than significant level. Please see Responses 7-2 through 7-9, which address the DFG's concerns and comments. The analysis provided in these responses includes revisions to Mitigation Measure BIO-1 that will reduce impacts to biological resources to a less than significant level.

On September 29, 2011, a field visit to the Project site was held with the Town, High Sierra Striders, and the DFG to assist the Town in adequately responding to the DFG November 24, 2010 comment letter. The responses above incorporate recommendations from the DFG. Additional DFG concerns were identified in an email from Mr. Tim Taylor of the DFG on September 30, 2011. These concerns are identified and responded to below.

- a. Lighting and illumination of the hillside with potential impacts to deer, sage grouse and other wildlife.

Response: Mitigation Measures AES-3 through AES-7 specifically address light and glare impacts and require all outdoor lighting to meet Mono County's *Dark Sky Regulations* such as being shielded, down-directed, and avoiding off-site light trespass and glare. The Project will operate most frequently from spring to fall, during the longest periods of daylight, thereby minimizing the use of site lighting.

Mitigation Measure AES-5 requires lighting fixtures to be "mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so no off-site light trespass is produced. The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, clean-up, nighttime maintenance, and other closing activities." These mitigation measures will reduce potential light and glare impacts on deer, sage-grouse, and other wildlife to less than significant.

- b. Expand on weed control measures (i.e., cover stockpiled soil) due to heavy amounts of cheat grass in the sagebrush scrub understory.

Response: Mitigation Measure BIO-1.c includes additional weed control measures, including covering stockpiled soil.

- c. Planting of trees that represent a "habitat change" in a sagebrush scrub environment is a huge concern with respect to ravens, so I appreciate you looking into alternative low profile landscaping materials involving native plants.

Response: Comment is noted. Mitigation Measure BIO-1.b requires that the trees proposed to be planted shall be replaced with shorter plant materials to the maximum extent feasible.

- d. Trash management. I think your trash management plan has mitigated this potential impact with respect to ravens and gulls.

Response: Comment is noted. Trash management plan is identified in Mitigation Measure BIO-1.b.

- e. No new barbed wire fences because of their low visibility to sage grouse. Eliminating the existing four-strand barbed wire on the north side of the track at the base of Doe Ridge.

Response: The Project would not impact the existing four-strand barbed wire fence on the north side of the proposed track at the base of Doe Ridge; however, the Project would require the removal or relocation of the east-west barbed wire fence located to the south/southwest of the existing bathroom building. Mitigation Measure BIO-1.b includes the following measures:

- Fencing associated with the proposed Project shall be minimized to the greatest extent feasible.
- New or relocated barbed wire shall be avoided to the maximum extent feasible. All newly constructed or relocated wire fence shall be equipped with reflective flight diverters or markers that flip in the wind and glow in the dark to prevent collisions under low light conditions.

Therefore, the potential impact from fencing on sage-grouse would be less than significant.

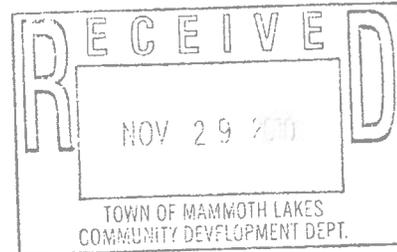
**Mono County  
Community Development Department**

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

November 29, 2010

Jen Daugherty  
Town of Mammoth Lakes  
PO Box 1609  
Mammoth Lakes, CA 93546



Dear Ms. Daugherty,

8-1 Thank you for allowing Mono County the opportunity to review and comment on the Whitmore Park Track and Sports Field Project Initial Study/Mitigated Negative Declaration. We also appreciate being included throughout the preparation of the document and for the incorporation of our previous comments. The following comments are based upon the review of the proposed Mitigated Negative Declaration:

- 8-2
  - A mitigation monitoring/reporting program should be included in the final Mitigated Negative Declaration. We look forward to working with you on the mitigation monitoring/reporting program in the near future.
- 8-3
  - As part of the mitigation monitoring/reporting program, please work with Mono County Public Works to maintain County and TOML annual review meetings regarding the Whitmore Park MOU.
- 8-4
  - Please note that both the number of parking spots and the phased parking will ultimately need to be approved by the Mono County Planning Commission during the County's use permit process.
- 8-5
  - Field lights shall comply with all Airport Land Use Plan (ALUP) requirements.

We appreciate your continued collaboration and look forward to working further on this project. Please contact me at 760-924-1812, if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather deBethizy".

Heather deBethizy  
Assistant Planner



- 8. RESPONSES TO COMMENTS FROM HEATHER DEBETHIZY, MONO COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, DATED NOVEMBER 29, 2010.**
- 8-1 The commenter states appreciation for being included throughout the preparation process of the IS/MND; no response necessary.
- 8-2 The commenter states that a mitigation monitoring and reporting program should be included in the final Mitigation Negative Declaration. The mitigation monitoring and reporting program is included as Section 3, *Mitigation Monitoring and Reporting Program*, below.
- 8-3 The commenter requests the Town to work with Mono County Public Works to maintain Town and County annual review meetings regarding the Whitmore Park MOU (i.e. maintenance). The Town and County Public Works Departments held a meeting on January 6, 2011 to discuss Whitmore Park and future Project maintenance. The Town agrees that the Town and County should coordinate annual meetings for review of Whitmore Park maintenance. The Town will work with Mono County Public Works to maintain annual Whitmore Park maintenance review meetings.
- 8-4 The number of parking spaces and parking phasing will ultimately need to be approved by the Mono County Planning Commission during the County's use permit process; comment is noted.
- 8-5 Commenter states that the field lights shall comply with all Airport Land Use Plan (ALUP) requirements. ALUP requirements are discussed in the Aesthetics and Land Use and Planning Sections of the IS/MND. Mitigation Measure HAZ-1 requires Mono County's approval to ensure that all ALUP regulations are met.

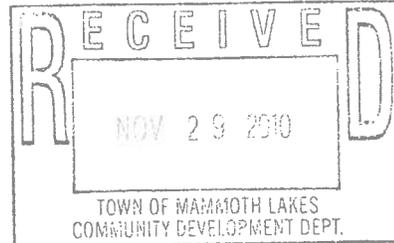
**Mono County  
Airport Land Use Commission**

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November 29, 2010

Jen Daugherty  
Town of Mammoth Lakes  
PO Box 1609  
Mammoth Lakes, CA 93546



Dear Ms. Daugherty,

9-1 Thank you for allowing Mono County's Airport Land Use Commission (ALUC) the opportunity to review and comment on the Whitmore Park Track and Sports Field Project Initial Study/Mitigated Negative Declaration. As written in the Mammoth June Lake Airport Land Use Plan, the ALUC must review and approve all proposed private land uses prior to formal action by jurisdictional agencies. ALUC review will focus on compatibility with the adopted Airport Land Use Plan and compliance with the safety provisions, height restrictions, and noise standards. We have the following comments:

- 9-2
- The ALUC is awaiting a master layout plan for Mammoth Yosemite Airport from the Town of Mammoth Lakes. Without a master layout plan or even an interim layout plan, it is difficult to determine if this project or future projects in the vicinity would have operational impacts to the airport.
- 9-3
- Under Aesthetics in the Airport Land Use Plan, the use of night time lighting may create a substantial amount of light for sensitive receptors, in this case pilots using Mammoth Yosemite airport.

We appreciate your continued collaboration and look forward to working further on this project. Please contact me at 760-924-1810 if you have any further questions.

Sincerely,

*Heather deB...*  
for Gerry LeFrancois

Gerry LeFrancois  
ALUC Staff



**9. RESPONSES TO COMMENTS FROM GERRY LEFRANCOIS, MONO COUNTY AIRPORT LAND USE COMMISSION STAFF, DATED NOVEMBER 29, 2010.**

9-1 The commenter describes the Airport Land Use Commission's (ALUC) role and responsibilities; no response necessary.

9-2 The commenter states that the ALUC is awaiting a master layout plan for the Mammoth Yosemite Airport, which will allow the ALUC to determine if this Project or future projects in the vicinity would have operational impacts to the airport.

The Town is working on updating the Mammoth Yosemite Airport Layout Plan (ALP), including an accompanying narrative. The ALP will be subject to CEQA and NEPA, which will include environmental analysis, public outreach, and publicly noticed review periods. Mono County and the ALUC will be included in the public outreach and review of the ALP CEQA and NEPA documentation. The draft ALP Update and accompanying narrative have been prepared and will be peer reviewed by a qualified third-party consultant. Town will provide the ALP to Mono County once it is complete and available. The updated ALP is not anticipated to change the flight paths, safety zones, or noise standards from the existing ALP; therefore, the existing ALP is adequate for the ALUC's review of the Project. The existing ALP was provided to Mono County in October 2010.

9-3 The commenter states that the use of night time lighting may create a substantial amount of light for pilots using Mammoth Yosemite Airport. In the IS/MND, the Town found that the light and glare impacts to require mitigation to be a less than significant impact. Mitigation Measure AES-4 states, "Outdoor lights shall be shielded so they do not negatively impact aircraft engaged in take-off or landing." In addition, all outdoor lighting shall meet Mono County requirements for being shielded, down-directed, and to avoid off-site light trespass and glare. Also, the ALUC reviewed the Project on May 5, 2011 and found the Project in compliance with the ALUP.

### **3.0 MITIGATION MONITORING AND REPORTING PROGRAM**



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
<b>AESTHETICS</b>							
AES-1	<p>The Project shall conform to all standards for the Scenic Combining District and State Scenic Highway (S-C district):</p> <ol style="list-style-type: none"> <li>a. Visually offensive land uses shall be adequately screened through the use of extensive site landscaping, fencing, and/or contour grading.</li> <li>b. The natural topography of a site shall be maintained to the extent possible. Earthwork, grading, and vegetation removals shall be minimized. Existing trees and native ground cover should be protected during construction.</li> <li>c. All site areas disturbed during Project construction shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants (drought resistant indigenous plants are encouraged), or other permanent erosion control installed. A landscape plan shall be submitted and approved for all projects.</li> <li>d. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads, or driveways shall be avoided except to provide safe access</li> </ol>	Review and Approval of Project Plans and Specifications	Prior to Project Use Permit, Grading Plan, and Specifications Approval	Mono County CDD			

<sup>11</sup> CDD = Community Development Department; PWD = Public Works Department



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>to the Project's facilities.</p> <p>e. New structures shall be situated on the property so as, to the extent feasible, their visibility from the state scenic highway is minimized. Structures shall be clustered where possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area.</p> <p>f. The number, type, size, height, and design of on-site signs shall be regulated according to the applicable county sign regulations. Signs shall be compatible with the natural surroundings in color, shape, and 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.</p> <p>g. The design, color, and materials for buildings, fences and accessory structures shall be compatible with the natural setting.</p> <p>i. Roofs visible from State Scenic Highway 395 shall be a dull or matte finish and in dark muted colors.</p> <p>ii. Vertical surfaces of structures should not use contrasting colors or materials and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for</p>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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	<p>vertical surfaces and structures.</p> <p>h. 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.</p> <p>i. All new utilities shall be installed underground.</p> <p>j. Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety. Light sources in exterior fixtures shall be shielded, down-directed, and not visible from State Scenic Highway 395 or Benton Crossing Road.</p>						
AES-2	Construction stockpiling and staging areas shall be located to be the least visible from scenic highways, as feasible.	Review and Approval of Construction Plans; Mono County PWD Field Inspections	Prior to Project Grading and Construction Plans Approval	Mono County CDD and Mono County PWD			
AES-3	Outdoor lighting for the Project shall be approved by Mono County. Outdoor lighting, including track and field lighting, shall be limited to the minimum intensity necessary for safety purposes.	Review and Approval of Project Plans and Specifications; Mono County CDD Field Inspections	Prior to Project Lighting Specifications Approval; During Construction	Mono County CDD and Town of Mammoth Lakes PWD/CDD			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
AES-4	Outdoor lights shall be shielded so they do not negatively impact aircraft engaged in take-off or landing.	Review and Approval of Project Plans and Specifications; Mono County CDD Field Inspections	Prior to Project Lighting Specifications Approval; During Construction	Mono County CDD and Town of Mammoth Lakes Airport and Transportation Department/CDD			
AES-5	Outdoor lighting shall be consistent with the Mono County General Plan, Chapter 23, <i>Dark Sky Regulations</i> , including regulations specific to Outdoor Performance, Sport and Recreation Facilities (23.090):  a. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no significant off-site light trespass is produced.  b. The main lighting shall be turned off as soon as possible following the end of an event. Where feasible, a low-level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.	Review and Approval of Project Plans and Specifications; Mono County CDD Field Inspections	Prior to Project Lighting Specifications Approval; During Construction and Operation	Mono County CDD and Town of Mammoth Lakes Recreation Department/CDD			
AES-6	Construction-related lighting shall be limited to lighting necessary for security and safety purposes. All construction-related lighting shall be located and oriented away from scenic highways and consist of the minimal wattage necessary.	Review and Approval of Construction Plans and Specifications; Mono County PWD Field	Prior to Project Grading Plan, Construction Plan, and Specifications Approval; During	Mono County CDD and Mono County PWD			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
		Inspections	Construction				
AES-7	Building materials shall be low-reflectivity (also see AES-1.g).	Review and Approval of Project Plans and Specifications	Prior to Project Use Permit and Building Permit Approval	Mono County CDD			
<b>AIR QUALITY</b>							
AQ-1	All active portions of the construction site shall be watered to prevent excessive amounts of dust.	Review and Approval of Grading Plans and Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specification Approval; During Construction / Grading Activity	Mono County PWD			
AQ-2	All on-site parking areas and driveways, not including overflow and maintenance parking areas, shall be paved as soon as feasible or watered periodically or otherwise stabilized until paved. The unpaved overflow and maintenance parking areas shall be stabilized to the satisfaction of Mono County.	Review and Approval of Grading Plans and Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specification Approval; During Construction / Grading Activity	Mono County PWD			
AQ-3	On-site vehicles shall be limited to a maximum speed of 15 miles per hour until the on-site parking areas and driveways are paved.	Review and Approval of Construction Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specification Approval; During Construction / Grading Activity	Mono County PWD			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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AQ-4	All construction equipment shall be equipped with required exhaust systems and mufflers.	Review and Approval of Construction Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specification Approval; During Construction	Mono County PWD			
AQ-5	All necessary permits shall be obtained from Great Basin Unified Air Pollution Control District prior to commencement of construction activities.	Apply for and obtain required GBUAPCD Permits	Prior to Construction / Grading Activity	GBUAPCD, Mono County PWD, and Town of Mammoth Lakes PWD			
AQ-6	The Project shall provide bus parking and adequate turn-around space.	Review and Approval of Parking Plans and Specifications	Prior to Project Parking Grading Plan Approval	Mono County CDD and Mono County PWD			
<b>BIOLOGICAL RESOURCES</b>							
BIO-1.a	Sage-grouse typically begin gathering on leks in late February and begin the breeding season in early March, with the peak of breeding season occurring during late March through mid to late April. Therefore, vegetation clearing activities shall not occur from February 15 through July 30. However, if vegetation clearing activities must occur between February 15 and July 30 (i.e., Project vegetation clearing activities cannot feasibly avoid the breeding bird season), a nesting bird survey shall be conducted by a qualified biologist in compliance with California Department of Fish and Game nesting bird survey protocol. A qualified biologist should have experience in conducting breeding bird surveys. Beginning thirty (30) days prior to the disturbance of suitable nesting habitat, the Project proponent should arrange for weekly	Vegetation clearing between July 31 and February 14, or nesting bird survey conducted by qualified biologist	Prior to Vegetation Clearing / Construction / Grading Activity; During Construction / Grading Activity (if necessary)	Mono County CDD, Town of Mammoth Lakes PWD/CDD, and Qualified Biologist (if necessary)			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors). The last survey should be conducted no more than three (3) days prior to the initiation of vegetation clearing activities.</p> <ul style="list-style-type: none"> <li>If a protected native bird is found, the Project proponent should delay all vegetation clearing activities/construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until July 30 or continue the surveys in order to locate any nests. If an active nest is located, vegetation clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The Project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of birds.</li> </ul>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> <li>If nesting birds are not found in the survey area, no further mitigation would be required and vegetation clearing and construction can commence.</li> </ul>						
BIO-1.b	<p>i. Trash bins that are considered raven-proof shall be provided throughout the Whitmore Regional Park, as determined by a qualified biologist or California Department of Fish and Game representative.</p> <p>ii. Trash bins on the Project site shall be emptied and trash taken off-site a minimum of one time per week. If it is found that trash bins fill up more often than one time per week, the frequency of this service will be increased accordingly. Additional trash removal services shall be provided during and immediately following any special event on the Project site.</p> <p>iii. Signage shall be provided educating park visitors regarding the presence of Greater sage-grouse in surrounding habitats and potential impacts on this species as a result of human presence. Signage shall:</p> <p>a. Encourage park visitors to stay within the park limits during their visit;</p> <p>b. Encourage park visitors to dispose of trash in Town-provided trash cans that are deemed wildlife-proof (including raven-proof) by a qualified biologist or California Department Fish and Game;</p>	<p>Review and Approval of Project Plans and Specifications; Mono County CDD Field Inspections; Project Operations</p>	<p>Prior to Project Specifications Approval (i.e., trash, signs, landscape, lighting, and fencing); Mono County CDD Field Inspections; Project Operations</p>	<p>Mono County CDD and Town of Mammoth Lakes PWD/CDD</p>			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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	<p>c. Encourage/require park visitors to keep all pets on leashes during their visit, except for developed areas that are secured with fences and gates (e.g., ball field used for dog agility classes);</p> <p>d. Be placed in prominent areas, including at least one sign in the parking lot and one sign at the entrance to the running track; and</p> <p>e. Educational signage shall not be taller than five feet high in order to reduce the potential for raven and/or raptor perching.</p> <p>iv. The proposed addition of infrastructure including trees, buildings, light posts, and fences increases the perch space for ravens and raptors, thereby attracting additional sage-grouse predators to the area. In order to minimize potential new perching areas for sage-grouse predators, the following minimization measures shall be implemented:</p> <p>a. Additional trees planted for Project landscaping shall be minimized to only the number necessary to comply with Town and Mono County regulations regarding development, such as aesthetics, air quality (e.g., dust control), and water quality (e.g., erosion control).</p> <p>b. The trees proposed to be planted shall be replaced with shorter plant materials to the maximum extent feasible.</p>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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	<p>c. Lighting on posts shall be minimized to the greatest extent feasible. If possible, lights shall be fitted with bird-detererring equipment such as spikes at the top where predators would potentially perch.</p> <p>d. Fencing associated with the proposed Project shall be minimized to the greatest extent feasible.</p> <p>e. New or relocated barbed wire fence shall be avoided to the maximum extent feasible. All newly constructed or relocated wire fence shall be equipped with reflective flight diverters or markers that flip in the wind and glow in the dark to prevent collisions under low light conditions.</p>						
BIO-1.c	<p>The following measures will be implemented to minimize the invasion of cheat grass and other non-native weeds as a result of Project development:</p> <p><u>During Construction</u></p> <p>i. Vegetation clearing shall be minimized to the extent possible, such that vegetation is only removed in areas requiring clearing for development, if possible.</p> <p>ii. Mature and seedling cheat grass and invasive plants shall be removed through means appropriate for the site, including hand-pulling, mechanical clearing, and/or the application of herbicides. If mechanical</p>	<p>Review and Approval of Grading Plans and Specifications; Mono County PWD Field Inspections</p>	<p>Prior to Project Grading Plan and Specification Approval; During Construction / Grading Activity / Re-Vegetation</p>	<p>Mono County PWD and Mono County CDD</p>			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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	<p>clearing is to be used, a moldboard plow should be utilized and adjusted to turn over soil and bury soil surfaces at least two and one-half inches deep to prevent germination.</p> <p>iii. Immediately following the removal of cheat grass or invasive species (“target species”) a pre-emergent herbicide shall be applied to all areas where target species were found. The application of herbicide should be made in late summer or the fall for the best results. Herbicides such as <i>Journey</i> and <i>Plateau</i> should be considered for use. In particular, <i>Journey</i>, when applied properly will not kill most perennial native plants, but will prevent cheat grass from germinating.</p> <p>iv. In all cases, the application of herbicide shall use best management practices to avoid erosion and herbicides in runoff from reaching rivers, streams, lakes, and other wetland areas.</p> <p>v. Any re-vegetation of disturbed soils shall take place as soon as feasible after the removal of target species and/or the application of herbicide. Soil surfaces should not be exposed for prolonged periods of time, particularly during the spring when invasives are setting seed.</p> <p>vi. Topsoil shall be stored in a designated area</p>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
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	<p>that will not be prone to the spread of invasive weeds, such as on pavement.</p> <p>vii. All stockpiled soil shall be covered due to heavy amounts of cheat grass in the sagebrush scrub understory.</p> <p>viii. Gravel and fill should come from weed-free sources.</p> <p>ix. If construction vehicles must travel over vegetated areas, tires shall be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas.</p> <p>x. The removal of roadside vegetation during construction shall be minimized to the greatest extent possible.</p> <p>xi. Erosion and sediment control materials shall be certified as weed-free.</p> <p>xii. A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeded, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.</p> <p><u>Following Construction</u></p> <p>xiii. Any bare ground as a result of construction activities shall be revegetated using certified</p>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	<p>weed-free seed and/or native plants known from the surrounding area.</p> <p>xiv. If revegetation is required, a revegetation plan shall be prepared that:</p> <ul style="list-style-type: none"> <li>a. Ensures establishment and maintenance of vigorous, desirable native vegetation to discourage weeds;</li> <li>b. Provides for monitoring of all revegetated areas for weed infestation;</li> <li>c. Provides for treatment of all weeds within newly seeded areas with a California Department of Fish and Game approved herbicide;</li> <li>d. Provides for the use of mulch, if applicable, to minimize the amount of noxious weed seeds that will reach the soil surface and subsequently germinate;</li> <li>e. Required the landscaping contractor to obtain soil and mulches from weed-free sources;</li> <li>f. Ensures that any seed used in revegetation or landscaping shall be certified weed-free; and</li> <li>g. Provides for a minimum of three years of monitoring and management of revegetated areas following the above guidelines.</li> </ul>						



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
<b>CULTURAL RESOURCES</b>							
CULT-1	If cultural resources are identified during ground disturbance associated with the Project, ground disturbing activities near the find shall cease, and an archaeological monitoring program should be implemented. The monitoring program shall be managed by an archaeologist who meets the <i>Secretary of the Interior's Professional Qualification Standards</i> . The archaeological monitoring program shall include provisions for an archaeological monitor; assessing the significance of archaeological finds; consideration of avoidance and minimization of impacts to significant archaeological resources (in consultation with the Town and Mono County); mitigation measures including archaeological excavation, laboratory analysis, reporting, and curation; and consultation with Indian Tribes if resource is prehistoric in nature.	Ground Disturbance Activities	During Ground Disturbance	Mono County CDD and Qualified Archaeologist (if necessary)			
CULT-2	If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify the Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall	Construction Activities	During Construction	Mono County CDD and NAHC (if necessary)			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.						
<b>GEOLOGY AND SOILS</b>							
GEO-1	A building permit shall be obtained for the concessions building to ensure that all applicable Uniform Building Code standards and requirements of the Alquist-Priolo Earthquake Fault Zoning Act are met.	Review and Approval of Building Permit	Prior to Concessions Building Permit Approval	Mono County Building Department			
GEO-2	All recommendations of the Sierra Geotechnical Services, Inc Recommendations for Structural Section and Paving (2007) including but not limited to foundation preparation and design, concrete slab-on-grade, preliminary pavement recommendations, and earthwork and grading specifications, shall be implemented. This shall be reviewed prior to the issuance of building and grading permits.	Review and Approval of Project Plans and Specifications	Prior to Project Grading Plan and Building Permit Approval	Mono County PWD and Mono County Building Department			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>							
HAZ-1	The Project shall be approved by Mono County to ensure all Airport Land Use Plan regulations are met. This may also include consideration and approval by the Airport Land Use Commission.	Review and Approval of Project Plans and Specifications	Prior to Project Use Permit Issuance	Mono County CDD			The ALUC found the Project in compliance with the ALUP on 5-5-11.
HAZ-2	The Long Valley Fire Protection District shall review and approve the Project plans in coordination with Mono County, such as through the provision of a will-serve letter.	Review and Approval of Project Plans and Specifications	Prior to Project Grading Plan and Building Permit Approval	Mono County CDD and Long Valley Fire Protection District			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
<b>HYDROLOGY AND WATER QUALITY</b>							
HWQ-1	All wastewater treatment and disposal systems shall be designed, constructed, and maintained in accordance with requirements established by the Lahontan Regional Water Quality Control Board and Mono County Health Department. Waste discharge permits shall be obtained prior to the installation of wastewater facilities.	Review and Approval of Project Plans and Specifications; Obtain required waste discharge permits	Prior to Project Grading Plan and Specifications Approval; Prior to Construction	Mono County PWD, Mono County Health Department, and Lahontan Regional Water Quality Control Board			
HWQ-2	The Project shall install adequately designed drainage retention facilities in accordance with the Lahontan Regional Water Quality Control Board requirements. A drainage and erosion control plan shall be submitted to the Lahontan Regional Water Quality Control Board and Mono County Public Works Department prior to grading activities.	Review and Approval of Project Plans and Specifications	Prior to Project Grading Plan and Specifications Approval	Mono County PWD and Lahontan Regional Water Quality Control Board			
HWQ-3	All exposed soil areas shall be stabilized and/or reseeded according to an approved landscape/revegetation/erosion control plan. All stockpiles of unsuitable soil materials shall be removed and disposed of at an approved site(s) designated by Mono County.	Review and Approval of Project Plans and Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specifications Approval; During Construction	Mono County PWD			
HWQ-4	A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared with the grading plans to fulfill regulatory requirements.	Preparation of a SWPPP	Prior to Issuance of a Grading Permit	Mono County PWD and Lahontan RWQCB			
HWQ-5	Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized as required by the Mono County Public Works Department and Lahontan Regional Water Quality Control Board.	Review and Approval of Project Plans and Specifications; Mono County PWD Field Inspections	Prior to Project Grading Plan and Specifications Approval; During Construction	Mono County PWD and Lahontan RWQCB			



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
<b>LAND USE AND PLANNING</b>							
LUP-1	A use permit for the Project shall be approved by the Mono County Planning Commission to ensure Project consistency with the Mono County General Plan.	Review and Approval of Project Plans and Specifications	Prior to Project Use Permit Issuance	Mono County CDD			
LUP-2	Special event permits shall be required for special events on the Project site. Special event permits shall regulate the number of people and parking and staging areas on the Project site, as well as other issues, such as noise. No parking or staging shall be permitted outside of designated areas (e.g. undisturbed areas).	Review and Approval of Special Event Permits	Prior to Special Events on the Project Site	Mono County CDD and Town of Mammoth Lakes CDD			
LUP-3	The parking areas shall be reconfigured and/or redesigned as necessary to provide adequate bus parking and turnaround space, while still providing the required vehicle parking spaces for the Project and the existing ball fields.	Review and Approval of Project Parking Plans and Specifications	Prior to Project Parking Grading Plan Approval	Mono County CDD and Mono County PWD			
<b>PUBLIC SERVICES</b>							
PS-1	The Town of Mammoth Lakes shall consider expansion of snow removal operations at the Project, if year round use of the Project is desired. The Project's snow removal level of service shall be established at a level that would have no impact on the Town's existing prioritization list of snow removal operations and levels of service within Mammoth Lakes (Town of Mammoth Lakes Public Works Department Snow Management Policy <sup>12</sup> ).	Snow Removal Operations if year round use is desired	Prior to approval of year round use of Project	Town of Mammoth Lakes PWD and Mono County CDD			
<b>UTILITIES AND SERVICE SYSTEMS</b>							
USS-1	The Project shall implement recommendations	Review and	Prior to Project	Mono County			

<sup>12</sup> [www.ci.mammoth-lakes.ca.us/documents/Public%20Works/Public%20Works%20Maintenance](http://www.ci.mammoth-lakes.ca.us/documents/Public%20Works/Public%20Works%20Maintenance) (Snow Management Policy, Effective Date 1/18/06).



Mitigation Number	Mitigation Measure	Monitoring and Reporting Process	Monitoring Milestones	Party Responsible for Monitoring <sup>11</sup>	VERIFICATION OF COMPLIANCE		
					Initials	Date	Remarks
	3 and 4 from the Water System Supply and Capacity Evaluation (Appendix E) regarding the existing pipe network and storage tanks manifold. The Project shall consider implementing the remaining recommendations as appropriate and feasible.	Approval of Project Plans and Specifications	Grading Plan and Specification Approval	PWD, Town of Mammoth Lakes PWD, and Mono County CDD			