



Office of the Town Manager

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October 10, 2016

**SENT VIA U.S. MAIL AND
EMAIL TO comments-pacificsouthwest-inyo@fs.fed.us**

Edward E. Armenta, Forest Supervisor
c/o Janelle Walker, Winter Sports Specialist
Inyo National Forest
P.O. Box 148
Mammoth Lakes, CA 93546

Re: Mammoth Base Land Exchange EIS

Dear Mr. Armenta and Ms. Walker,

The Town of Mammoth Lakes (“Town”) appreciates the opportunity to comment upon the scope of the analysis to be completed for the Mammoth Base Land Exchange (“Project”) pursuant to the National Environmental Policy Act (“NEPA”). We continue to look forward to this important and long awaited real estate transaction, but want to provide a short list of considerations that the Town would like to see addressed and analyzed in the upcoming NEPA Environmental Impact Statement and associated Land Exchange process.

First, as acknowledged in the “Mammoth Base Land Exchange Purpose and Need Statement” the Project Description analyzed in the NEPA analysis should include any Reasonably Foreseeable Future Action occurring as a result of the land exchange. When property within the Town’s municipal boundary transfers to private ownership, the Town is obligated to assign General Plan and Zoning Code designations to the transferred property, pursuant to California Planning and Zoning Law and the Town’s General Plan policies. Thus, the designation of these parcels by the Town is a Reasonably Foreseeable Future Action resulting from the land exchange and the impacts associated with the designation action should be considered in the NEPA document. The designation of these parcels will determine the scope, intensity, allowable uses, and limitations on future development occurring on these parcels. The land use and zoning designations that the Town would apply to the site is likely R-Resort. Thus, the Town would expect the NEPA analysis to consider, analyze, and disclose the potential environmental impacts associated with the Town’s application of the R-Resort land use and zoning designations to the property.

Second, this Project would transfer to Mammoth Main Lodge Redevelopment, LLC (“MMSA”) two separate parcels, Parcel A and Parcel B. Parcel A is currently occupied by tourism-related facilities, while Parcel B is occupied by sewage treatment ponds serving the

same. Environmental impacts associated with new development on either Parcel A or Parcel B should be disclosed and evaluated in the EIS as a Reasonably Foreseeable Future Action.

Specifically, to the extent that new development on Parcel A is proposed, anticipated, or reasonably foreseeable, Parcel B's sewage ponds would require remediation to ensure they are code compliant and adequate to collect and treat any increase in wastewater. To the extent that closure of the sewage ponds and redevelopment of Parcel B is proposed, anticipated or reasonably foreseeable, the sewage ponds would need to be cleaned, closed, and all residual environmental issues associated with the cleanup and closure of sewage ponds addressed. Such impacts could include, but are not limited to, impacts associated with water quality, soil contamination, treatment and disposal of contaminated soil, air quality impacts associated with grading and hauling of soil, safe removal of physical improvements and abandoned equipment or materials.

Similarly, if it is reasonably foreseeable that MMSA will be installing new or expanding existing sewer pipelines and connections to take the place of the Parcel B sewage ponds, the potential impacts of this action should also be considered. Such impacts could include, but are not limited to, impacts relating to wastewater conveyance and treatment capacity, the potential need for pump stations, and the impacts associated with any new wastewater pipeline installation. To the extent these impacts are a reasonably foreseeable consequence of the land exchange, these impacts should be addressed in the NEPA document. Cleanup responsibilities and liabilities should also be discussed and disclosed.

Lastly, to the extent that new development on either Parcel A or Parcel B results in improved environmental conditions, for example remediation and cleanup, the Town recognizes that such improvements would have concomitant economic benefits, which should also be considered and disclosed in the EIS. If the USFS prepares a cost-benefit analysis relevant to the choice among environmentally different alternatives being considered for the proposed action, the Town notes that the significant economic benefits, community values, and other amenities that would flow to the Town of Mammoth Lakes and its residents and visitors could potentially justify the ultimate decision on the proposed action.

Third, while we understand that the parcels to be transferred from federal to private ownership are located adjacent to California State Highway 203, we want to confirm that the project description is clear that no portion of Highway 203 will be converted to a private roadway. Should the probable future action include the realignment of Highway 203, that this be noted and that a similar easement for a State Highway be required. Conversion of the public highway to a private roadway could result in potential environmental impacts, including impacts relating to traffic and circulation, emergency access and evacuation, and roadway maintenance, among others. The Town is particularly sensitive to the fact that Highway 203 provides access to Devils Postpile National Monument, and the surrounding recreational and wilderness area. If conversion of Highway 203 to private ownership is in fact contemplated then it should be treated as a probable future action and environmental impacts identified above should be evaluated, disclosed and mitigated to the extent feasible in the EIS.

Fourth, to the extent that the notice published in the Federal Register on Friday August 26, 2016 (Vol. 81, No. 166, p. 58909-10) serves as notice of an exchange proposal in accordance with 40 C.F.R. 254.8, the Town has the following specific comment regarding the exchange proposal. Specifically, prior to executing the land exchange, the United States Forest Service should consider any potential loss of Special Use Fees that Inyo National Forest would experience and ways that potential revenue could be recovered in the future to make-up for that loss. A substantial loss of fees for Inyo National Forest may not better serve the community and economic needs of the Town of Mammoth Lakes and Mono County.

In closing, the Town appreciates the opportunity to comment upon the scope of the environmental analysis, and we look forward to reviewing the environmental documentation in the coming months. The Town knows this Project has been a long time in the making. Our Town Council and community continue to be supportive of the Project. We hope to see it completed in the near future. Should you have any questions about the Town's comments, please do not hesitate to contact me.

Sincerely,



Daniel C. Holler
Town Manager, Town of Mammoth Lakes

Cc: Senator Barbara Boxer, Fresno Office
Senator Diane Feinstein, Fresno Office
Congressman Paul Cook
Leslie Chapman, Chief Administrative Officer, Mono County
Sandra Moberly, Community & Economic Development Manager, Town of Mammoth Lakes
Grady Dutton, Public Works Director, Town of Mammoth Lakes
Andrew Morris, Town Attorney, Town of Mammoth Lakes
Alisha Winterswyk, Best Best & Krieger LLP
Town of Mammoth Lakes Town Council