



# AGENDA

## BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

MEETING LOCATION Mammoth Lakes Suite Z, 437 Old Mammoth Rd, Suite Z, Mammoth Lakes, CA 93546

**Special Meeting**  
**June 29, 2020**

### TELECONFERENCE INFORMATION

As authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, the meeting will be held via teleconferencing with members of the Board attending from separate remote locations. This altered format is in observance of recommendations by local officials that precautions be taken, including social distancing, to address the threat of COVID-19.

#### Important Notice to the Public Regarding COVID-19

Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID-19 virus, please note the following:

1) There is only one physical location of the meeting open to the public:

Minaret Mall, Suite Z (upstairs from the Vons Pharmacy), 437 Old Mammoth Rd, Mammoth Lakes, CA 93546

Sign up in order to reserve a seat for one of the scheduled time slots at

[https://forms.office.com/Pages/ResponsePage.aspx?](https://forms.office.com/Pages/ResponsePage.aspx?id=z2nj1RgkTEdLN19wUg9ypmDc28IUpBlrEuewG045UM1FZT1owSOQ1Tk9FUjhUNk1OMEJDVVY2WC4u)

[id=z2nj1RgkTEdLN19wUg9ypmDc28IUpBlrEuewG045UM1FZT1owSOQ1Tk9FUjhUNk1OMEJDVVY2WC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=z2nj1RgkTEdLN19wUg9ypmDc28IUpBlrEuewG045UM1FZT1owSOQ1Tk9FUjhUNk1OMEJDVVY2WC4u)

If you do not sign up to attend the meeting, you will be seated on a first-come first-serve basis, and may need to wait until a later time slot in order to be accommodated due to social distancing requirements.

Commenters will be assigned a time to enter the Board Chambers in order to limit the number of attendees in the Board Chambers at one time, to comply with physical-distancing capacity of the room. Check-in will be available up to 15 minutes before the available time slots. **Attendees must leave the Board Chambers once their time slots have expired.**

Registration will require a COVID-19 self-assessment form. **Masks are required.**

2) You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/98478333904>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 984 7833 3904.

To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" button on your screen.

To join the meeting by telephone:

Dial (669) 900-6833, then enter Webinar ID 984 7833 3904.

To provide public comment (at appropriate times) during the meeting, press \*9 to raise your hand.

There is no chat / Q&A option for this webinar. See below if you wish to provide written comment.

3) If you wish to view the live stream of the meeting, it can be seen by visiting

[http://monocounty.granicus.com/MediaPlayer.php?publish\\_id=e3a3324c-7baa-4eba-9438-8f9c424952c7](http://monocounty.granicus.com/MediaPlayer.php?publish_id=e3a3324c-7baa-4eba-9438-8f9c424952c7)

4) Comment Procedures

- Time limits: Comments are limited to two minutes to provide sufficient time to hear everyone who wishes to speak. In order to keep comments to the aforementioned time frame, instead of restating points that have already been made by previous speakers, state your agreement with previous speakers.
- No repeat comments: One verbal comment per person. Written comments submitted prior to the meeting or comments made at the previous Planning Commission meeting are not considered repeat comments.
- Written comments: For inclusion in the record, written comments by drop-off, postal mail or email to [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) must be received by 9:00 AM on June 29. Written comments will not be read into the record, but will be transmitted to the decision makers prior to deliberation.

#### 5) Meeting Decorum and Ground Rules

- Verbal comments must be respectful and appropriate.
- Participants shall remain muted until asked to speak by the meeting moderator.
- The connection will be terminated immediately with no warning for egregiously disrespectful behavior.
- Other disruptive behavior will receive one warning before the connection is terminated.

#### 6) Technical Support:

For technical support during the meeting, email [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) or call 760-924-1800.

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

**ON THE WEB** You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

9:00 AM      Call meeting to Order

Pledge of Allegiance

### 1      **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

### 2.      **AGENDA ITEMS**

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

Departments: Community Development Department

8+ hours

(Gerry LeFrancois, Sandra Bauer, Wendy Sugimura) - Consider the Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus

parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries.

**Recommended Action:**

**Applicable to all Options:**

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

**Option 1: Approve the Project**

Make the findings set forth below and adopt proposed Resolution: 1) certifying the Final Subsequent Environmental Impact Report, making required findings and adopting a Statement of Overriding Considerations; 2) adopting the Mitigation Monitoring and Reporting Program (MMRP); and 3) approving Alternative #6 of the Tioga Inn Specific Plan Amendment #3.

Findings:

A. The Mono County Board of Supervisors finds that the Tioga Community Housing Project FSEIR has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and is adequate and complete for consideration of a decision on the merits of Tioga Inn Specific Plan Amendment #3, and for making the findings for a Statement of Overriding Considerations as set forth in Exhibit A of the proposed Resolution.

B. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the FSEIR, staff reports, and presentations, the Mono County Board of Supervisors finds, as set forth in Section Three of the proposed Resolution that:

1. The proposed changes to the Tioga Inn Specific Plan are consistent with the text and maps of the General Plan,
2. The proposed changes to the Tioga Inn Specific Plan are consistent with the goals and policies contained within any applicable area plan,
3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
4. The proposed changes to the Tioga Inn Specific Plan are reasonable and beneficial at this time, and
5. The proposed changes to the Tioga Inn Specific Plan will not have

a substantial adverse effect on surrounding properties.

**Option 2: Do not Approve the Project**

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

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

**Option 3: Approve the Project with Modifications**

If the Board identifies feasible mitigation measures, or alternative(s) to the Project or any of its components, that will mitigate one or more of the Project's significant adverse environmental effects, then it must make the following findings and may then make required findings, certify the FSEIR and adopt the Statement of Overriding Considerations and MMRP, as modified, and approve Alternative #6 of the Project with modifications, or another Alternative as presented or with modifications :

- A. The mitigation measure/project alternative will mitigate one or more significant impacts of the Project (specify impact(s) mitigated and how mitigated, based on information in the record);
- B. If the mitigation measure/project alternative involves a reduction in housing density, there is no other feasible specific mitigation measure or project alternative available that will provide a comparable level of mitigation; and
- C. Make all findings listed under Option 1, with necessary revisions to reflect changes to the Project to be listed in Section Two of the proposed Resolution.

(If the Board determines to modify the Project, Staff may ask for a short recess or continuance to develop appropriate language).

**Fiscal Impact:** Property tax, sales tax, and gas tax revenue to the County will increase if the project is approved and constructed.

**ADJOURN**



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**SPECIAL MEETING AGENDA REQUEST**

Print

<b>MEETING DATE</b>	June 29, 2020	<b>DEPARTMENT</b>	
<b>ADDITIONAL DEPARTMENTS</b>			
<b>TIME REQUIRED</b>	8+ hours	<b>PERSONS APPEARING BEFORE THE BOARD</b>	Gerry LeFrancois, Sandra Bauer, Wendy Sugimura
<b>SUBJECT</b>	PUBLIC HEARING: Tioga Inn Specific Plan Amendment #3 (Project) and Final Subsequent Environmental Impact Report (SEIR)		

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Consider the Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries.

**RECOMMENDED ACTION:**

**Applicable to all Options:**

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

**Option 1: Approve the Project**

Make the findings set forth below and adopt proposed Resolution: 1) certifying the Final Subsequent Environmental Impact Report, making required findings and adopting a Statement of Overriding Considerations; 2) adopting the Mitigation Monitoring and Reporting Program (MMRP); and 3) approving Alternative #6 of the Tioga Inn Specific Plan Amendment #3.

Findings:

A. The Mono County Board of Supervisors finds that the Tioga Community Housing Project FSEIR has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and is adequate and complete for

consideration of a decision on the merits of Tioga Inn Specific Plan Amendment #3, and for making the findings for a Statement of Overriding Considerations as set forth in Exhibit A of the proposed Resolution.

B. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the FSEIR, staff reports, and presentations, the Mono County Board of Supervisors finds, as set forth in Section Three of the proposed Resolution that:

1. The proposed changes to the Tioga Inn Specific Plan are consistent with the text and maps of the General Plan,
2. The proposed changes to the Tioga Inn Specific Plan are consistent with the goals and policies contained within any applicable area plan,
3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
4. The proposed changes to the Tioga Inn Specific Plan are reasonable and beneficial at this time, and
5. The proposed changes to the Tioga Inn Specific Plan will not have a substantial adverse effect on surrounding properties.

**Option 2: Do not Approve the Project**

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

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

**Option 3: Approve the Project with Modifications**

If the Board identifies feasible mitigation measures, or alternative(s) to the Project or any of its components, that will mitigate one or more of the Project's significant adverse environmental effects, then it must make the following findings and may then make required findings, certify the FSEIR and adopt the Statement of Overriding Considerations and MMRP, as modified, and approve Alternative #6 of the Project with modifications, or another Alternative as presented or with modifications :

- A. The mitigation measure/project alternative will mitigate one or more significant impacts of the Project (specify impact(s) mitigated and how mitigated, based on information in the record);
- B. If the mitigation measure/project alternative involves a reduction in housing density, there is no other feasible specific mitigation measure or project alternative available that will provide a comparable level of mitigation; and
- C. Make all findings listed under Option 1, with necessary revisions to reflect changes to the Project to be listed in Section Two of the proposed Resolution.

(If the Board determines to modify the Project, Staff may ask for a short recess or continuance to develop appropriate language).

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**FISCAL IMPACT:**

Property tax, sales tax, and gas tax revenue to the County will increase if the project is approved and constructed.

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**CONTACT NAME:** Wendy Sugimura

**PHONE/EMAIL:** 7609241814 / wsugimura@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR

**SEND COPIES TO:**

**PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING**

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**MINUTE ORDER REQUESTED:**

YES  NO

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**ATTACHMENTS:**

Click to download
<a href="#">Staff Report</a>
<a href="#">1. Public Comments - Support</a>
<a href="#">1. Public Comments - Opposition Pt 1</a>
<a href="#">1. Public Comments - Opposition Pt 2</a>
<a href="#">2 Notice Appl Complete Tioga</a>
<a href="#">3 R20-__ Tioga Inn and FSEIR</a>
<a href="#">4 Tioga Inn PH Notices</a>
<a href="#">5 Tioga Public Comments</a>
<a href="#">6 R20-01 PC Reso Tioga Inn 04-16-20</a>
<a href="#">7 ESUSD</a>
<a href="#">8 Mono Business Retention and Expansion Survey</a>

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**History**

Time	Who	Approval
6/26/2020 4:32 PM	County Administrative Office	Yes
6/26/2020 4:13 PM	County Counsel	Yes
6/26/2020 4:32 PM	Finance	Yes

# Mono County Community Development Department

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

## Planning Division

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

June 29, 2020

**To: Honorable Board of Supervisors**

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

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

## I. RECOMMENDATION

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### Recommended Action (applies to all options):

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

### Option 1: Approve the Project

Make the following findings and adopt Resolution (Attachment 3): 1) certifying the Final Subsequent Environmental Impact Report (FSEIR; Attachment 1) making the required findings and adopting the Statement of Overriding Considerations (Resolution Exhibit A); 2) adopting the Mitigation Monitoring and Reporting Program (MMRP) (in Attachment 1); and 3) approving Alternative #6 of the Tioga Inn Specific Plan Amendment #3 (in Attachment 1):

- A. The Mono County Board of Supervisors finds that the Tioga Community Housing Project FSEIR has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and is adequate and complete for consideration of a decision on the merits of Tioga Inn Specific Plan Amendment #3, and for making the findings for a Statement of Overriding Considerations as set forth in Exhibit A of the proposed Resolution.
- B. Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the FSEIR, staff reports, and presentations, the Mono County Board of Supervisors finds, as set forth in Section Three of the proposed Resolution, that:
  1. The proposed changes to the Tioga Inn Specific Plan are consistent with the text and maps of the General Plan,
  2. The proposed changes to the Tioga Inn Specific Plan are consistent with the goals and policies contained within any applicable area plan,



3. The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan,
4. The proposed changes to the Tioga Inn Specific Plan are reasonable and beneficial at this time, and
5. The proposed changes to the Tioga Inn Specific Plan will not have a substantial adverse effect on surrounding properties.

### **Option 2 – Deny the Project**

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

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

### **Option 3 – Approve the Project with Modifications**

If the Board identifies feasible mitigation measures or an alternative(s) to the Project or any of its components that will mitigate one or more of the Project’s significant adverse environmental effects, then it must make the following findings and may then make the required findings, certify the FSEIR and adopt the Statement of Overriding Considerations and MMRP, as modified, and approve Alternative #6 of the Project, or a different alternative, as modified:

- A. The mitigation measure/project alternative will mitigate one or more significant impacts of the Project (specify impact(s) mitigated and how mitigated, based on information in the record);
- B. If the mitigation measure/project alternative involves a reduction in housing density, there is no other feasible specific mitigation measure or project alternative available that will provide a comparable level of mitigation; and
- C. Make all findings listed under Option 1, with necessary revisions to reflect changes to the Project to be listed in Section Two of the proposed Resolution.

(If the Board determines to modify the Project, Staff may ask for a short recess or continuance to develop appropriate language).

## **II. DOCUMENT AVAILABILITY**

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

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

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

- DSEIR & FSEIR consolidated: *Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single “redline” version to facilitate final review.*
- DSEIR & FSEIR Appendices
- DSEIR & FSEIR Exhibit 3.3
- DSEIR & FSEIR Exhibit 4.1
- DSEIR & FSEIR Exhibit 5.1-2
- DSEIR & FSEIR Exhibit 5.2-1

- DSEIR & FSEIR Exhibit 5.3-6
- DSEIR & FSEIR Exhibit 5.5-5
- DSEIR & FSEIR Exhibit 5.12-10
- DSEIR & FSEIR Exhibit 5.12-11
- DSEIR & FSEIR Exhibit 7.1
- Response to Supervisor Stump's Inquiry
- 1 FSEIR, sections 1-5
- 2 FSEIR, sections 6-8
- 3 Appendix A
- 4 Appendix B, 1 of 3
- 4 Appendix B, 2 of 3
- 4 Appendix B, 3 of 3
- 5 Appendix C
- 6 Appendix D
- 7 Appendix E
- Tioga Inn Specific Plan Amendment #3
- Complete Specific Plan & DSEIR document
- DSEIR Table of Contents
- DSEIR Chapters ONLY
- DSEIR Appendices ONLY
- Exhibit 3-3. Project Site Plan
- Exhibit 4-1. Site Context Map
- Exhibit 5.1-2. Conceptual Grading Plan
- Exhibit 5.2-1. Conceptual Drainage Plan
- Exhibit 5.3-6. Open Space Plan
- Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3

### **III. PROJECT LOCATION, LAND USES & HISTORY**

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The proposed Tioga Inn Specific Plan Amendment #3 (Project) is located at 22 Vista Point Drive, close to the intersection of SR 120 and US 395 and about ½ mile south of Lee Vining. The Project is located in roughly the geographic center of Mono County, which covers an area of 3,132 square miles on the eastern slopes of the Sierra Nevada mountain range in east central California. The site is located in the southeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of Section 16, Township 1 North, Range 26 East (MDBM). See Figure 1 for the subject property.

The subject property consists of four parcels and totals approximately 67 acres in size. The Tioga Inn Specific Plan land uses include residential, convenience store / gas station, restaurant, hotel / conference, open space preserve, open space facilities, and open space support.

#### **SURROUNDING LAND USES**

To the west of the project site is open space owned and managed by Southern California Edison (SCE). To the north, east, and south of the project site is open space land owned and managed by Los Angeles Department of Water and Power (LADWP).

#### **EXISTING SPECIFIC PLAN & HISTORY**

The Tioga Inn Specific Plan was originally adopted in 1993 with the purpose of providing a full range of services and facilities for tourists. Current entitlements (i.e., uses that were approved in 1993) include a 120-room hotel, a

100-seat restaurant, a convenience store and gas station, up to 10 units of residential housing, and ancillary uses to operate the project. See Figure 2 for the original land uses approved in 1993.

### **AMENDMENT #1 in 1995**

Tioga Inn Specific Plan Amendment #1, which was approved in 1995, shifted the location of the water storage tank, allowed a two-bedroom apartment above the convenience store, and revised phasing to allow construction of the convenience store before the hotel.

### **AMENDMENT #2 in 1997**

Tioga Inn Specific Plan Amendment #2, which was approved in 1997, included the following changes:

- Clarified the location of the full-service restaurant.
- Affirmed that water and sanitation services could not serve projects other than the Tioga Specific Plan.
- Prohibited project access onto US 395.
- Clarified Specific Plan financing.
- Included public restroom/shower/laundry facilities as allowed uses in the hotel.
- Established development standards for the hotel and for the full-service restaurant.
- Provided new details regarding the Master Sign Program.
- Provided new details regarding night lighting.

### **DIRECTOR REVIEW PERMIT in 2012**

In 2012, a Director Review permit, DR 12-007, was approved to 1) recognize other modifications to the convenience store/deli and to allow for a 316-square foot expansion of the kitchen area; 2) require the expansion to match existing building material, colors, and roof height; 3) affirm that Chapter 23 Dark Sky Regulations apply to the project; and 4) mandate any future improvements and or expansions would be a specific plan amendment.

Figure 1 Subject Property



Figure 2 Tioga Inn Specific Plan land use plan approved in 1993

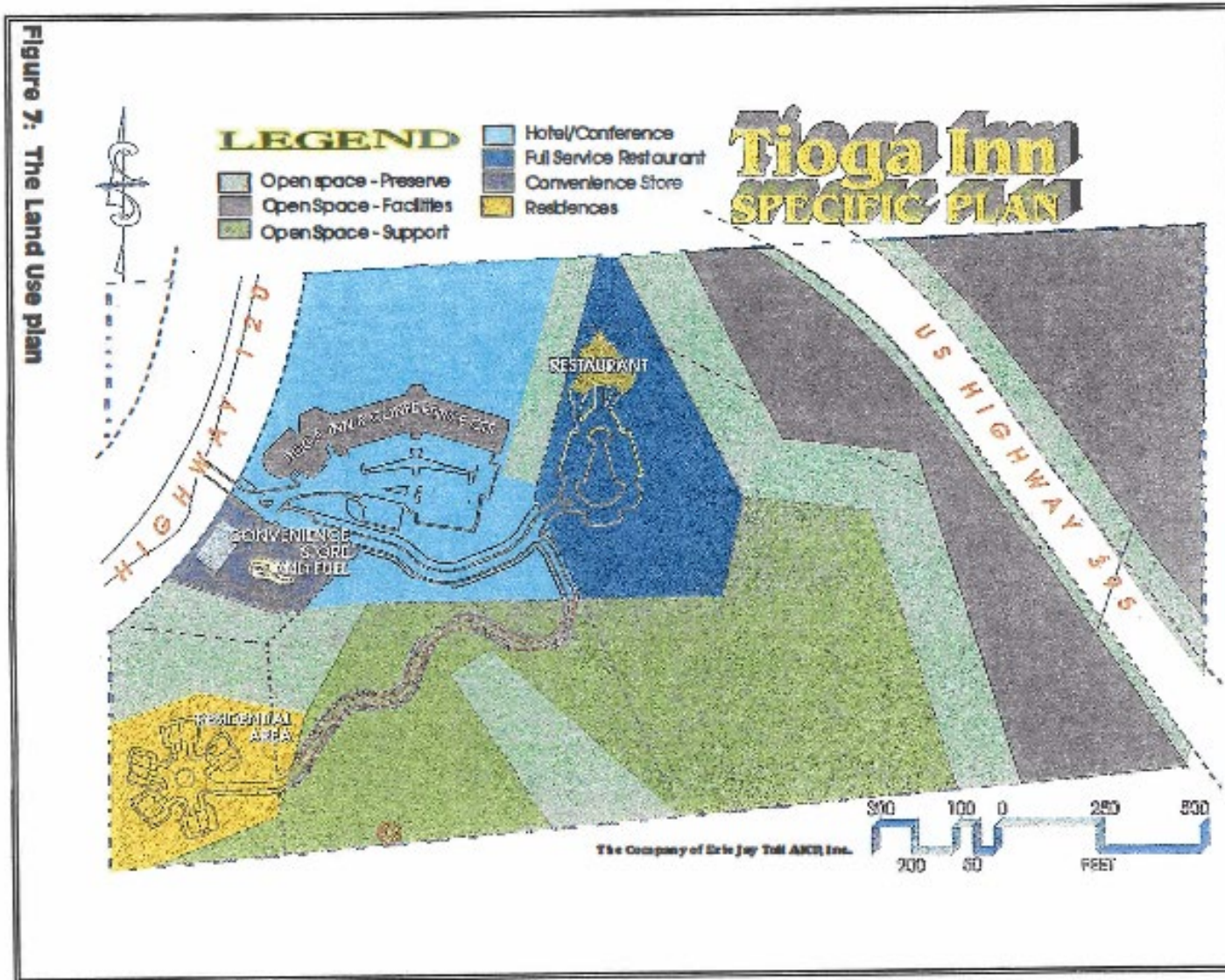


Figure 7: The Land Use plan

The Company of Eric Jay Toll ACR - 1000 East William, Suite 407 - Carson City, Nevada 89701 - 702.883.8987

May 24, 1993

**TIOGA INN SPECIFIC PLAN  
AND FINAL ENVIRONMENTAL IMPACT REPORT**  
Mono County, California

Page 36

## **IV. TIOGA INN SPECIFIC PLAN AMENDMENT #3 PROJECT DESCRIPTION**

### **PROJECT OBJECTIVE**

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

The proposed Tioga Inn Specific Plan Amendment #3 (Project) objectives, if approved, will be added to the Specific Plan objectives described above. These Project objectives are to substantially increase housing on the project site for employees of on-site uses (hotel, full-service restaurant and other) as well as off-site land uses in the larger community; to achieve the development goals of the original 1993 Tioga Inn Specific Plan, adapted to current needs; to lower energy costs and increase the energy- and water-efficiency of existing and future uses on the project site; and to maintain onsite infrastructure in good condition and ensure that sizing is adequate to meet existing and future needs.

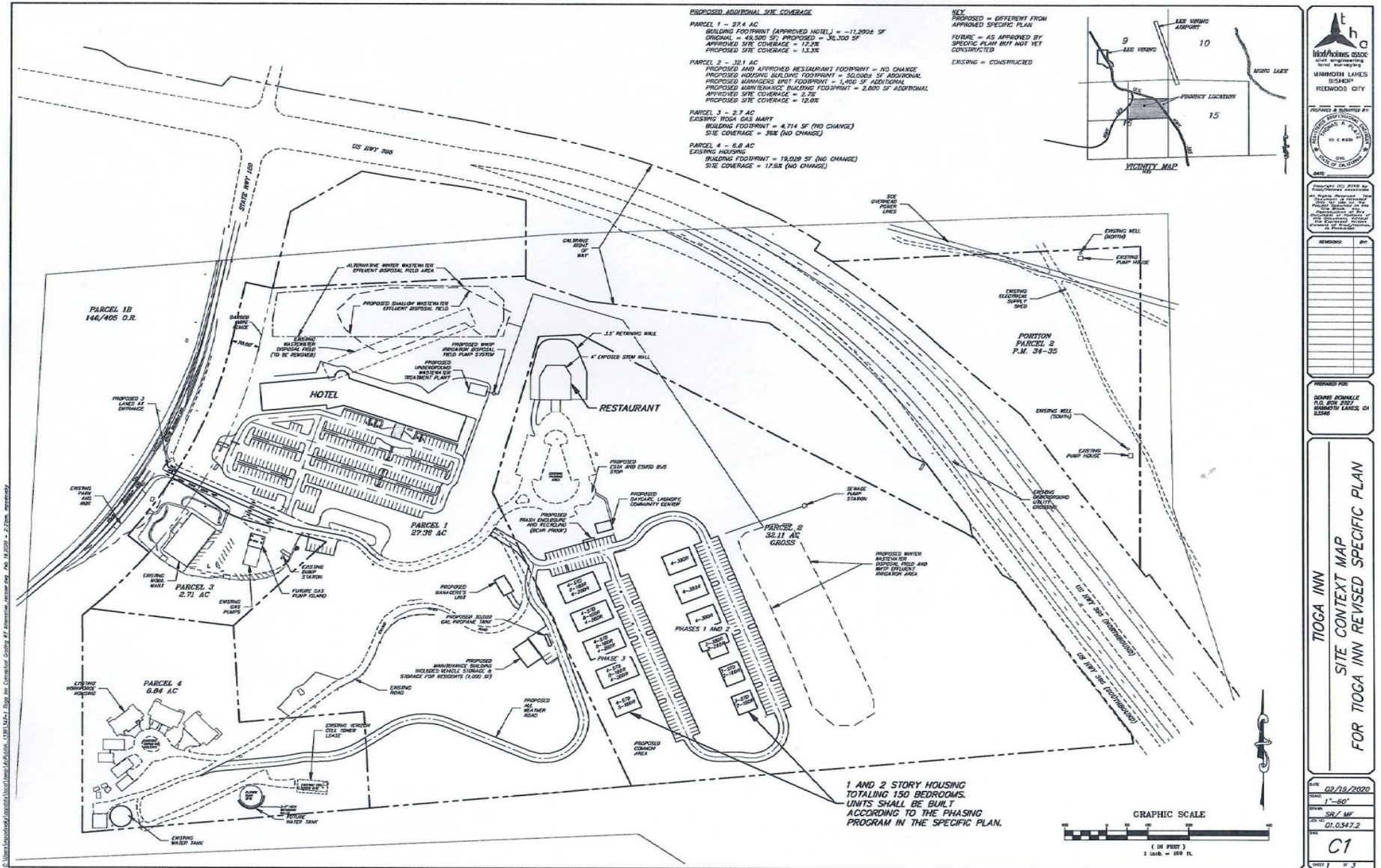
### **PROPOSED PROJECT DESCRIPTION**

The proposed Project identifies Alternative #6 (see Figure 3 below for site plan and FSEIR for details) as the preferred alternative presented for approval consideration and includes the elements outlined below. Note that the hotel, restaurant, and 10-unit residential components are existing entitlements (i.e., approved in 1993), and are not a part of Amendment #3.

Tioga Inn Specific Plan Amendment #3 proposes the following modifications:

1. **COMMUNITY HOUSING:** Allow up to 150 new community housing bedrooms in up to 100 units (including one manager's unit with up to 4 bedrooms);
2. **DAY CARE CENTER:** Allow construction of a staffed day care center for use by community housing residents and residents of the Mono Basin;
3. **GAS ISLAND:** Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank and an overhead canopy and lighting;
4. **WATER STORAGE:** Allow demolition of the existing 300,000-gallon water storage tank and its replacement with a new 300,000-gallon water storage tank on a pad located in the same approximate location as the existing tank;
5. **PARKING:** Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
6. **INTERNAL ACCESS:** Realign the road providing access to the existing hilltop residential area and reconfigure lanes and turning areas near the main entry to eliminate conflict between the hotel and the gas station/convenience store;
7. **SANITATION & REUSE:** Replace the septic tank with a new package wastewater treatment facility including new subsurface irrigation facilities and retention of the existing leach field for disposal of surplus treated water;

Figure 3. Preferred Alternative (#6) Site Plan



8. PARCEL BOUNDARIES: Modify the acreage and boundaries of the four parcels;
9. PROPANE: Replace the five existing propane tanks (combined 2,500-gallon capacity) with a new 30,000-gallon propane tank to meet demand for onsite heating and offer commercial propane sales to area residents and businesses;
10. EQUIPMENT & PERSONAL STORAGE: Construct a new building for storage of residents' items and maintenance vehicles and equipment;
11. OPEN SPACE: Allow a change in the location of designated open space areas including a 13.0-acre increase in Open Space-Preserve acreage, a 0.9-acre decrease in Open Space-Facilities, and an 11.4-acre decrease in Open Space-Support.

## **PROPOSED PROJECT PHASING**

With regard to the community housing component of Amendment #3, a phasing plan is proposed to allow a certain number of units for current employees and/or future housing for construction workers during hotel development. A total of 100 units would be permitted subject to the phasing plan below:

- Phase 1 would permit up to 30 units and the daycare center once grading is complete for the entire community housing site. Revegetation of graded areas not built would be required. The 30-Phase 1 units would be available for use by construction workers during the hotel and restaurant construction process, and then available for residential lease.
- Phase 2 provides for the initiation of 40 units at the time that a building permit application is deemed complete by Mono County for construction of the hotel.
- Phase 3 would permit the remaining 30 units when Phases 1 and 2 reach a combined 80% occupancy rate (i.e., when 56 of the units constructed in Phases 1 and 2 are rented).

## **V. ENVIRONMENTAL REVIEW**

The County of Mono is the Lead Agency and has determined that the proposed amendment to the 1993 Tioga Inn Specific Plan constitutes a 'project' subject to CEQA as defined in CEQA Guidelines §15060, and requires the preparation of a Subsequent EIR (SEIR) consistent with the requirements of CEQA §15162 (see Draft SEIR for a full analysis on the applicability of CEQA §15162).

In compliance with CEQA, the SEIR focused on: (1) substantial changes in the proposed project that may involve new significant effects or substantially more severe environmental effects than were previously analyzed; (2) changes in the project circumstances that may involve new significant effects or substantially more severe environmental effects than were previously analyzed; (3) new information that was not, and could not have been, known in 1993 that shows one or more new significant environmental effects or effects that are substantially more severe, or (4) feasible alternatives and mitigations that were previously judged infeasible that would substantially reduce one or more significant effects.

This SEIR does not consider or analyze previously approved project elements (including the existing hilltop housing units, the 120-room hotel and the full-service promontory restaurant) that have not changed since the 1993 approvals were granted, except through the cumulative impact analysis.

The Tioga Community Housing Project Final Subsequent Environmental Impact Report (FSEIR; Attachment 1) includes the following components (available online as noted in Section II):

1. Tioga Workforce Housing Draft SEIR and Tioga Inn Specific Plan Amendment #3 dated June 14, 2019.
2. Tioga Community Housing Project Final SEIR and Tioga Inn Specific Plan Amendment #3 dated February 28, 2020.

The Draft SEIR for the Tioga Inn Specific Plan Amendment was circulated locally for the maximum public comment period of 60 days, from June 14 through August 13, 2019, which coincided with the State Clearinghouse comment



period. The public comment period was subsequently extended to August 21, 2020, due to public requests and a technicality with the publication date. A total of 904 comment letters were received. Those comments, and responses to the comments, are contained in the FSEIR document.

## **SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT**

The FSEIR proposes mitigation measures to reduce impacts to the lowest feasible levels. Nevertheless, five potentially significant unavoidable environmental effects that cannot be reduced to a less-than-significant level were identified as follows:

1. Hydrology: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption.
2. Biological Resources: Cumulative impacts (only) to deer movement in the project region.
3. Public Services: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining.
4. Traffic: Significant unavoidable impacts associated with turning movements from eastbound SR 120 onto northbound US 395 (with or without the project).
5. Aesthetics: Project impacts on scenic and visual resources and on light and glare.

CEQA guideline §15093 “requires the decision-making body to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.” If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” through a Statement of Overriding Considerations.

Based on the above, the Board of Supervisors must adopt a Statement of Overriding Considerations stating that specific economic, social, technological or other benefits of the project outweigh its environmental impacts, if the Board determines to approve the project. A proposed Statement of Overriding Considerations is included as Exhibit A to the propose Resolution (Attachment 3).

## **MITIGATION MONITORING AND REPORTING PROGRAM**

CEQA Guidelines §15091(d) requires lead agencies to adopt a program for reporting on monitoring the changes it has made in a project or made a condition of project approval to avoid or substantially lessen significant environmental effects. These “mitigation measures” must be fully enforceable, generally through permit conditions or agreements, and are contained in a project’s Mitigation Monitoring and Reporting Program (MMRP). Accordingly, an MMRP has been prepared for the project and is to be adopted concurrently with the requisite CEQA Findings and Statement of Overriding Considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP will be used by the County to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

For Tioga Inn Specific Plan Amendment #3, 45 mitigation measures are required to reduce potentially significant effects to less-than-significant levels on the following eight resources:

1. Geology and Soils
2. Hydrology and Water Quality
3. Biological Resources
4. Cultural Resources
5. Land Use and Recreation
6. Public Health and Safety
7. Public Services, Energy and Utilities
8. Traffic and Circulation

Mitigation measures also apply to the significant environmental effects identified above, but these effects could not be reduced to less than significant levels even with these measures.

All other impact areas are not potentially significant. Any mitigation measures required for these impact areas are proposed in the Final SEIR to reduce impacts to even lower levels.

## **VI. PUBLIC HEARING NOTICE & COMMENTS, AND TRIBAL CONSULTATION**

### **PUBLIC HEARING NOTICE**

A public hearing notice was published in The Sheet on June 13, 2020 (see Attachment 4) and an announcement was made at the June 10 Mono Basin Regional Planning Advisory Committee (RPAC) meeting.

The physical meeting location was subsequently changed due to lack of necessary technological infrastructure, and notification was sent to email distribution lists for the Board of Supervisors agendas, Planning Commission, and Regional Planning Advisory Committees; advertisements were placed in local newspapers; the public hearing notice was re-published in a local newspaper of record on June 27, 2020; public service announcements were sent to local radio stations; and, as required by state law, a notice was posted on the front door of the Lee Vining High School gymnasium.

### **TRIBAL CONSULTATION**

Tribal consultation letters in compliance with SB 18 were originally sent in June 2019, and then courtesy updates specifying Planning Commission meeting dates and anticipated Board of Supervisors meeting dates were sent in early March 2020 and again in late March 2020 after the March 23 date was cancelled.

In addition, the Bridgeport Indian Colony raised concerns about the potential for Tribal Cultural Resources on the site and the Mono Lake Kutzedika'a Tribe requested consultation. The County and CEQA consultant exchanged phone calls and emails with the Kutzedika'a Tribe and met in person to discuss concerns and potential solutions. Ultimately, voluntary mitigation measures offered by the applicant were accepted by the Kutzedika'a Tribe and included as Mitigation Measure CULT 5.4(a), which provides for, among other things, 50 hours of compensated time for tribal monitors to train construction crews or monitor the site, with the allocation of time to be at the Tribe's discretion.

### **ADDITIONAL PUBLIC COMMENTS**

As of the drafting of this staff report, six public comments have been received (see Attachment 5). Two comments were in favor of the project, citing the need for housing and that the project will strengthen the economy; two letters commented on "green" features of the project; and two were opposed to development in this location, with one of those letters raising concerns about dark sky impacts.

Regarding "green" features, the project meets the County's Resource Efficiency Plan which encourages, but does not require, energy efficiency measures, and will be required to meet the Title 24 Energy requirements in the California Building Code when a building permit is submitted. The choice of providing gasoline instead of electric vehicle charging stations is a business choice by the proponent and is not in conflict with any County policies or regulations. One letter inaccurately states the project "...will provide employee housing for people working in Mammoth." The intent of the project is to provide housing for employees of onsite uses, including the hotel and restaurant. Given the projected demand, the capacity to provide housing units for year-round Mammoth employees is not expected to exist. The FSEIR and DESIR analysis does acknowledge that onsite employees may work in Mammoth Lakes or June Lake in the winter, and would be permitted to continue living in the housing units to ensure housing stability.

The opposition to development in this location has been addressed through multiple analyses in the FSEIR, including aesthetics and project alternatives. The project site is privately owned and is designated in the General Plan and

Specific Plan for development. The dark sky impacts have also been thoroughly addressed through multiple analyses in the FSEIR, and revisions to a mitigation measure in Section VIII below further addresses dark sky protection.

## **VII. PLANNING COMMISSION RECOMMENDATION**

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The Planning Commission held a public hearing by remote meeting technology on April 16, 2020, and received approximately seven hours of public testimony and over 160 written comments. The staff report summarizes, analyzes, and responds to comments received prior to the posting of the agenda packet, and these comments are included as an attachment to the staff report. Written comments received after the posting of the agenda packet are compiled and posted as separate supporting materials on the Planning Commission meeting website (<https://monocounty.ca.gov/planning-commission/page/planning-commission-special-meeting-8>).

The Planning Commissioners discussed the current housing crisis in California and Mono County, highlighted the benefits of local on-site housing, and recognized the previously approved hotel and restaurant likely have more significant impacts than the proposed project. Project aesthetics, particularly lighting, were also discussed along with project phasing (grading and the childcare facility), signage to not feed the wildlife, and that the town of Lee Vining could benefit from more people, housing, and jobs. The Planning Commission recommended 4-0 (Commissioner Lizza was recused due to a conflict of interest) that the Board of Supervisors certify the FSEIR, adopt the statement of overriding considerations, adopt the Mitigation Monitoring & Reporting Plan, and approve the Tioga Inn Specific Plan Amendment #3 subject to the following modifications: prohibition of architectural uplighting, addition of the phasing plan with the childcare facility and grading for all phases in Phase I, provision of a shuttle service between the site and Lee Vining, posting of educational signage to not feed the wildlife, and addition of a fox survey prior to construction (see Section One of Resolution R20-01, Attachment 6).

## **VIII. ADDITIONAL CONSIDERATIONS & RECOMMENDED MODIFICATION(S)**

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As a result of comments at the Planning Commission meeting and additional internal discussion, refinements to the project have continued to be made and improvements have been considered. This section describes this continued work and any additional recommendations for the project.

### **ADDITIONAL CONSIDERATIONS**

#### **Eastern Sierra Unified School District**

As a preliminary matter, it must be noted that under Government Code section 65595 et seq. (the “School Facilities Act”), local agencies are prohibited from using the inadequacy of school facilities as a basis for denying approval of any action involving the planning, use or development of real property. School facilities are defined as “any school-related consideration relating to a school district’s ability to accommodate enrollment”. Instead, the School Facilities Act provides the exclusive methods by which impacts to school facilities may be mitigated, including the imposition of impact fees and/or a process involving the adoption, by the affected school board, of a finding of overcrowded conditions.

Additionally, CEQA only evaluates the environmental impacts of new construction of school facilities and not the staffing required to accommodate enrollment. No state law or General Plan policy<sup>1</sup> specifically addresses or provides the basis for denying a project due to a school’s ability to accommodate an internal preference for class size, either. Therefore, the discussion below in response to the Eastern Sierra Unified School District’s (ESUSD’s) letter is outside

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<sup>1</sup> The only somewhat relevant General Plan policies are in the Mono Basin Area Plan which promote working with the school district to develop after-school and summer programs (Policy 12.B.3. and Action 12.B.3.a.).

the scope of the project’s legal responsibilities and CEQA, but is nevertheless included because the County values the local education system and strives to support it.

The ESUSD had been consulted during the preparation of the DSEIR, and noted that “the project would enrich the school community and developer fees would cover the cost of new facilities for children in the workforce housing area” (Consolidated FSEIR/DSEIR p. 5.5-22 and 5.5-23). A more detailed analysis is provided under FSEIR/DSEIR §5.8.6 on pages 5.8-7 through 5.8-9.

However, a comment letter regarding impacts to schools was submitted by the ESUSD at the end of the day just before the Planning Commission meeting. The letter raised concerns that, while the cost of one additional portable classroom at the elementary school may be covered by developer impact fees, the cost of additional teachers would not. The limited timeframe prevented a full response at the Planning Commission hearing, and staff followed up with ESUSD in preparation for the Board hearing. Attachment 7 provides the ESUSD comment letter and notes from the staff-to-staff meeting, which have been verified as accurate by participants.

In the meeting with Heidi Torix, the recently appointed ESUSD Superintendent, and Cetara Rohl, the recently appointed Chief Business Official, Ms. Torix disagreed with a portion of the previously submitted ESUSD statement; Ms. Torix stated specifically that “adding students ... poses concerns for ESUSD” as opposed to being welcomed. She clarified that the school district must comply with the State’s class size reduction requirements of no more than 24 students in K-3 grades and that the District’s preference is for 12-15 students per class.

The DESIR notes that the ESUSD indicates that the project impact on enrollment would depend on the degree to which residents remain in the units on a year-round versus seasonal basis, and that the analysis assumes a worst-case scenario of year-round residency. The DSEIR estimated the following student enrollment based on census data:

- 5-9 year olds (grades K-3) = 12
- 10-15 year olds (grades 4-9) = 22
- High school age = 28

If these estimates are divided evenly amongst grade levels (actual distribution is unknown and cannot be projected) and integrated with estimated current enrollment numbers<sup>2</sup>, the projected class sizes would be updated as follows (where numbers did not evenly distribute, the worst-case scenario is projected):

<b>Grade Level</b>	<b>Current Enrollment</b>	<b>Projected Project Enrollment</b>	<b>Projected Total</b>
TK/K Combo	17	3	20
1	13	3	16
2/3 Combo	18	3	21
<b>3/4 Combo</b>	<b>20</b>	<b>6</b>	<b>26</b>
5/6 Combo	15	5	15
7/8 Combo	18	6	24
9	11	5	16
10	10	9	19
11	14	9	23
12	18	10	28

For the elementary school (TK-8) worst-case scenario, the only projected impact is to the 3<sup>rd</sup>/4<sup>th</sup> grade combo class which may exceed state standards of no more than 24 students in a 3<sup>rd</sup> grade class by two. However, the 2<sup>nd</sup>/3<sup>rd</sup> grade combo class has capacity for three more students and, while ESUSD has not been asked about the possibility of converting the 1<sup>st</sup> grade class into a combo 1<sup>st</sup>/2<sup>nd</sup> grade class, the 1<sup>st</sup> grade class has the capacity for eight more students. Capacity appears to exist to adjust classes depending on the actual distribution of students. The 7<sup>th</sup>/8<sup>th</sup> grade student enrollment is also at this threshold but is not subject to the State standard.

<sup>2</sup> Estimated current class sizes were provided by Ms. Torix in an email dated May 28, 2020.

For the high school, the 12<sup>th</sup> grade class is the biggest at 28 students but, again, is not subject to the State standard of 24 students or less. Presumably, 12<sup>th</sup> grade students would handle a larger class and less supervision much better than K-3<sup>rd</sup> graders.

Regardless, the fact that these class sizes certainly exceed the District preference of 12-15 students is clear. However, this class size preference is set internally by the school district and not an obligation of any external party.

In addition, the ESUSD raised concerns during the staff meeting regarding bus capacity, and that the current route and ridership could not accommodate the projected increase. A bus stop is provided as part of the project; however, currently the assumption is that students in the housing complex would make private arrangements and carpools to and from school. No standard or requirement exists for bussing (except for qualified disabled students), and therefore neither the school nor proponent have an obligation to provide public transportation.

Therefore, the DSEIR conclusion that projected enrollment may create the need for an additional classroom is a very generous worst-case scenario, and additional teachers may only be needed to meet the District’s preference for small class sizes but not State standards.

Finally, the housing proposal in Amendment #3 increases the likelihood that families will have quality housing and reside in the Lee Vining area. Without Amendment #3, the employees of the hotel and restaurant would seek housing wherever possible, potentially in Lee Vining, Bridgeport, or June Lake, all of which are served by ESUSD. Some students may be absorbed by Mammoth Unified School District if families select housing that far south, but the percentage of students is unknown and cannot be projected.

However, Mono County values the school system and the availability of a high-quality education, and seeks to support the ESUSD to the extent possible regardless of the technicalities of the CEQA analysis and School Facilities Act. As noted in the meeting notes in Attachment 7, 75% of ESUSD’s budget is from property taxes. According to the Mono County Tax Collector, 11.5% of 1% of property taxes are allocated to ESUSD. The Tioga Inn Specific Plan, both the previously approved portion generating the population and the proposed housing in Amendment #3, will significantly increase the property tax base and therefore provide some degree of ongoing funding to ESUSD.

The estimated valuation of the housing units and the previously approved hotel and restaurant were provided by the proponent and result in the following tax breakdown:

<b>Project</b>	<b>Est. Valuation</b>	<b>Est. Property Tax Revenue (1% of Valuation)</b>	<b>Est. ESUSD Revenue (11.5% of Property Tax)</b>
Community Housing	\$22,260,000	\$222,600	\$25,599
Restaurant	\$2,500,000	\$25,000	\$2,875
Hotel	\$26,520,000	\$265,200	\$30,498
<b>TOTAL</b>	<b>\$51,280,000</b>	<b>\$512,800</b>	<b>\$58,972</b>

The ESUSD estimated the cost of a new teacher at \$120,000-\$130,000, of which projected property tax revenue would cover approximately half. While it may not fund a new teacher, the ongoing revenue could be used for a part-time teacher, classroom aides, expanding programs to enrich the curriculum, or other school benefits.

The consolidated FSEIR/DSEIR document will be updated with the discussion above; however, no further action is recommended.

**Housing Demand**

Several comments on the DSEIR raised a question of whether the proposed 100 units might exceed the housing needs associated with 187 future onsite employees, and thereby induce growth in the region to fill the unoccupied units. Data from the Bureau of Labor Statistics (BLS) was also used to address this question. BLS indicates that the ratio between employment and population in the United States as of May 2016 was 59.7%; in California, the rate

was 59.4%<sup>3, 4</sup> Applying the California ratio to the anticipated 187 jobs on the Tioga project site suggests that the total population associated with the 187 project employees at full development would be 314 people. This BLS-based total population would be higher than the forecast Tioga Community Housing residential population under all forecast scenarios, exceeding the highest (HUD-based) onsite residential population estimate of 300 residents by about 4.5%, and exceeding the lowest estimate (based on Lee Vining Census data) by about 62%. These data indicate that the project would not induce additional growth in order to achieve full occupancy of the proposed housing units. Moreover, and as noted previously, the Mono County *Housing Needs Assessment*<sup>5</sup> identifies a need in the unincorporated area for 120-170 new housing units by 2022, based on current needs and projected demand. The proposed project would provide about 83% of the projected need at the low end of the forecast, and about 59% at the high end of the forecast based on existing conditions.

The phasing plan further links development of the housing units to demonstrated demand. Phase I only permits a maximum of 30 units if the hotel is not built, which is well within the forecasted need of 120-170 units countywide. Upon a complete building permit submittal for the hotel, an additional 40 units may be built to accommodate hotel employees. Construction of the final 40 units (including the larger, two-story units) will not occur unless demand is warranted, defined as 80% occupancy of Phases I and II.

The estimated employees are generated by previously approved uses and theoretically exist regardless of whether the Tioga Community Housing Project is approved. Without the project, the burden of housing these employees will fall on the existing housing stock in the town of Lee Vining and surrounding communities. The proximity of housing to employment has been identified as a crucial component of economic competitiveness<sup>6</sup> and an important factor in jobs stability. According to Alicia Vennos, Mono County Economic Development Director, the 2018 Mono County Business Retention & Expansion Survey (Attachment 8) found housing is the greatest barrier to workforce retention and recruitment with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate.

Frequent changes in housing increase the isolation of working families and reduce job security. Long commutes are also a financial burden and diminish time with family.<sup>7</sup> In contrast, the availability of stable housing is associated with positive impacts on individual and family health and well-being. Overarching goals of the proposed housing project are to provide stable, year-round housing for all project employees who wish to live on the project site, and to enable residents to accommodate the fluctuations of seasonal employment without the need for a seasonal change of housing.

The consolidated FSEIR/DSEIR document will be updated with the discussion above; however, no further action is recommended.

### **Trail and SR 120 Crossing**

During the development of the DEIR, the County met with Caltrans to discuss the possibility of a pedestrian crossing over SR 120 to a potential trail connection to Lee Vining. Caltrans determined an at-grade crossing was not feasible, and a trail across SCE land was deemed infeasible because neither the County nor applicant controls or has authority on that property. However, after the Planning Commission meeting for the project, the County learned that SCE staff informally expressed willingness to consider a trail easement on its Lee Vining Creek property which (if coupled with an encroachment permit from Caltrans for an overpass or underpass over Highway 120) would provide for pedestrian connectivity between the project and Lee Vining. However, SCE staff's informal statement of willingness

<sup>3</sup> Bureau of Labor Statistics: <https://www.bls.gov/opub/ted/2016/employment-population-ratio-59-point-7-percent-unemployment-rate-4-point-7-percent-in-may.htm>

<sup>4</sup> Bureau of Labor Statistics: [https://www.bls.gov/opub/ted/2018/employment-population-ratios-increased-in-12-states-in-2017.htm?view\\_full](https://www.bls.gov/opub/ted/2018/employment-population-ratios-increased-in-12-states-in-2017.htm?view_full)

<sup>5</sup> Mono County, *Housing Needs Assessment Final Report*. October 2017. Prepared by BBC Research and Consulting.

<sup>6</sup> Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness through Partnership*. September 2000 [https://www.jchs.harvard.edu/sites/default/files/mpill\\_w00-8.pdf](https://www.jchs.harvard.edu/sites/default/files/mpill_w00-8.pdf)

<sup>7</sup> The Urban Institute, February 2019: <https://www.urban.org/features/too-far-jobs-spatial-mismatch-and-hourly-workers>

does not obligate that entity to provide an easement. There are significant steps which would need to be accomplished prior to this measure being feasible to implement. Engineering design and environmental review would need to be performed and SCE would need to formally take action to grant the easement. Neither the County nor the applicant have the legal ability to require SCE to act. .

Also following the Planning Commission meeting in follow up meetings with the County, Caltrans staff informally indicated that an underpass or overpass at SR 120 could be considered to provide for safe pedestrian/bicycle access across SR 120. Again, the same issues as described above relative to the SCE easement exist. Additionally, because the impact is attributable not just to the current project, but to the existing uses (gas station, deli, store and housing) on the property, the applicant could not be required to pay the entire cost for improvements, but only the share resulting from the proposed project.

Finally, the construction of a crossing at SR 120 (including both the bridge and the underpass options) and the trail raise the potential for additional significant adverse environmental impacts which are briefly reviewed below:

<b>Issue</b>	<b>Analysis</b>
<b>Grading</b>	Underpass grading volumes could be significant, may require export. Any underpass constructed within the CT ROW must be to Americans with Disabilities Act standards.
<b>Hydrology</b>	Underpass construction would require Army Corps of Engineer Clean Water Act approvals; the potential to encounter interbedded layers of tufa and confined groundwater exists. If Tufa is present, it is very difficult excavation material.
<b>Biology</b>	Updated spring plant surveys would be needed, particularly for SCE land where sensitive species are anticipated.  The creek crossing has the potential for significant biological impacts, and the method of creek crossing is unknown.
<b>Cultural</b>	The Kutzadika'a Tribe has raised concern about subsurface resources at the project site. This concern may extend to the trail site.
<b>Land Use</b>	A key issue would be the location of the ramps. The SCE property is much higher in elevation than the project site along most of the boundary, which could possibly result in costly construction, a ramp grade differential that would reduce usage Americans with Disability Act (ADA) compliance issues, visual impacts, and drainage, slope and grading impacts.
<b>Safety</b>	Vagrancy has been reported as a persistent and widespread problem for underpasses.
<b>Services</b>	Wide range of issues to resolve with SCE including location of easement and trail, location of ramps, creek crossing, potential cost sharing.
<b>Traffic</b>	Wide range of issues to resolve with Caltrans, including structure of overall process, encroachment permits, ramp siting, ensuring that selected location would actually be used, standards, etc.
<b>AQ/Noise</b>	Construction would generate emissions and dust, noise, and potentially vibrational impacts (e.g., if blasting is required).
<b>Aesthetics</b>	Underpass may avoid significant visual impacts, but overpass may result in other significant environmental impacts. Additionally, the elevation differentials noted above in Land Use could result in aesthetic impacts associated with grading and slope modifications.

Uncertainty exists about the feasibility of alternatives that may be preferable. For example, the Caltrans 2019 Project Initiation Report (PIR) for US 395 through Lee Vining<sup>8</sup> does not evaluate the potential or cost of a sidewalk from SR

<sup>8</sup> Available at

[https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/29213/pir.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29213/pir.pdf)

120 to the existing sidewalk south of town, and an on-system sidewalk by Caltrans within its right of way has the potential to be more cost effective with fewer environmental impacts than a forested trail. Development of a sidewalk project within the Caltrans right of way is not under the control of the County or applicant. The PIR does, however, propose to stripe bikeway lanes on US 395 in this area (pavement marker 50.6 to 51.0), which meets the requirements for Class II Bikeway. Bicycle lanes would improve bicycle access between Lee Vining and the project site.

Given the multiple and significant uncertainties that are outside the control of the project applicant, the potential for significant adverse environmental impacts that may or may not be justifiable, and the potential for other alignments that may be preferable, a trail across SCE property with an under- or over- pass crossing of SR 120 is considered too highly speculative and uncertain to include as a feasible mitigation measure at this time.

The Tioga Inn project as proposed incorporates two measures, aside from Caltrans' Class II Bikeway, to mitigate pedestrian connectivity impacts, including 1) a shuttle bus service (see the Recommended Modifications section, Mitigation Measure 5.8(a-3)), and 2) an ADA-compliant pedestrian/bicycle pathway on the project property and reserved right of way to tie in with a future non-motorized connectivity project between Lee Vining and the SR 120/US 395 intersection (Mitigation Measure SVCS 5.8(a-1)).

The consolidated FSEIR/DSEIR document will be updated with the discussion above; however, no further action is recommended.

## RECOMMENDED MODIFICATIONS

### Shuttle Service Mitigation Measure Modification

The Planning Commission added a mitigation measure to provide shuttle service between the project site and town in response to concerns about pedestrian connectivity and traffic impacts. The mitigation measure is proposed to be refined by adding the number of daily trips and an operating period. Timing of operations is largely based on the determination that significant traffic impacts occur only between July 4 and Labor Day.

MM SVCS 5.8(a-3) Shuttle Service: A shuttle service shall be provided between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. The shuttle service will 1) be staffed by qualified drivers, 2) will be equipped with ADA-compliant features, and will 3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of three daily round trips during the operating season), and 4) begin operations each year no later than July 4 and end each year no sooner than Labor Day. The shuttle service will be available for use by hotel guests and residents of the Community Housing Complex.

### Corrections to FSEIR Visual Analysis

In responses to comments, the FSEIR modified the visual analysis scoring in "Table 5.12-3. Caltrans Visual Impact Assessment Questionnaire and Responses." During further review and consolidation of FSEIR changes with the DSEIR to create one document, an additional modification to the table was discovered. Because Alternative 6 provides a redesign of the project that reduces the visual impact, Item #4 in the evaluation table should be increased to a score of 3 due to "redesign needed." The visual impact score would be increased to 23 points, resulting in the following evaluation category:

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

The retroactive scoring does not change the outcome, since the DSEIR provided visual simulations, included public review, and concluded that the project would have a significant, unavoidable adverse impact on aesthetic resources, light and glare.



Therefore, the recommended change is to increase Item #4 to 3 points and update the total score to 23.

### Specific Plan Modifications

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

The following clarification, to be added to the Open Space-Support designation in the Specific Plan, is proposed to accommodate the secondary emergency access road: *The Open Space-Support designation shall also permit maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.*

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

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

### Lighting Plan Amendment

An amendment to the Outdoor Lighting Plan mitigation measure is proposed in track changes below to add standards for exterior safety lighting to minimize project impacts:

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

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.<sup>9</sup> Long wavelength lighting shall be used, with a color temperature of less than 3,000 Kelvin (warm white).<sup>10</sup> Kelvin color temperatures over 3000 Kelvin color temperature are prohibited. Safety

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<sup>9</sup> Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksksociety.org/handouts/LightingPlanGuidelines.pdf>.

<sup>10</sup> Kelvin is used to describe the color temperature of a light source in degrees Kelvin (K). This specification describes the warmth or coolness of a light source. Cool, blue spectrum lights (4,000-4,500K) brighten the night sky more than warm amber colored light (2,700-3,000 K) (<https://ledglobalsupply.com/lumens-versus-kelvin/>). The International Dark Sky Association (IDA) notes that exposure to blue light at night has been shown to harm human health and endanger wildlife; IDA recommends long wavelength lighting with a color temperature of < 3000 Kelvin. <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2019/06/Dark-Sky-Assessment-Guide-Update-6-11-19.pdf>; <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>.

lighting shall be permitted only during the hours between 30-minutes following sunset, and 30 minutes prior to sunrise.

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 1,000 lumens<sup>11</sup>;

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

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

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

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

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

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

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

(e) Landscaping information to describe potential screening.

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

## **IX. FINDINGS**

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

## **X. ATTACHMENTS & WEBLINKS TO DOCUMENTS**

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1. The Subsequent Final Environmental Impact Report (FSEIR) and Tioga Inn Specific Plan Amendment #3 is available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Community Development Department Completeness of Application Determination, date July 28, 2016
3. Proposed Resolution R20-\_\_ with Exhibits A and B
4. Public Hearing Notices
5. Public Comment Letters
6. Planning Commission Resolution R20-01
7. Eastern Sierra Unified School District comment letter and staff meeting notes
8. 2018 Mono County Business Retention & Expansion Survey: Executive Summary and Powerpoint Presentation

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<sup>11</sup> Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

Public comments received after 5:00 pm Monday, June 22, through 3:00 pm  
Friday, June 26, 2020.

Arranged alphabetically beginning with:

11 letters in support

188 letters in opposition

**From:** [jane domaille](#)  
**To:** [CDD Comments](#)  
**Subject:** Fwd: Tioga Inn Housing  
**Date:** Friday, June 26, 2020 7:11:52 AM

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I support the Tioga Inn Workforce Housing. As a landlord in the Mono Basin for over 20 years we always have requests for our eight rental houses. As a business owner it is always a challenge to find seasonal employees, then a place for them to live. We supply housing for about 20 employees which is why we have so many returning employees each summer season. More rental houses will help bring a consistent workforce to the Mono Basin and Eastern Sierra. Mono County, the Town of Mammoth Lakes, and most resort towns have been talking about the need for more housing for at least 20 years. Just driving around Mono County it is easy to see the increase in people living in their cars or tents. Many employees have moved to Bishop where the rent is lower, using up more resources with the longer commute. Now is the time to vote yes and provide more workforce housing for the Mono Basin and Eastern Sierra. Please vote yes for the Tioga Inn Workforce Housing.

Sincerely,

Jane Domaille

**From:** [sierra domaille](#)  
**To:** [CDD Comments](#)  
**Subject:** Support- Tioga Inn Workforce  
**Date:** Friday, June 26, 2020 8:23:00 AM

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**June 24<sup>th</sup>, 2020**

**To:** [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov)

To the Mono County Board of Supervisors,

I am writing in support of the workforce housing development proposed by Dennis Domaille of the Tioga Gas Mart. In full transparency, I am related to Dennis but believe in his vision. I grew up in Mono County and have seen the area change over the last 20 years.

Tioga Gas Mart has a record for being well managed and supporting the local community- from law enforcement to fire crews. The majority of the employees return season after season- many of the same smiling faces have been there for 15 years. Tioga Gas Mart is a local business that is supporting the local economy.

Adding employing housing to the business will provide an option to local employees to live in close proximity to work instead of battling a countywide housing shortage (confirmed by the Mono Lake Housing Authority.) The employee housing won't affect tourism patterns, it will provide employed locals an alternative and affordable place to live.

The primary opposition for this project is by the Mono Lake Committee, claiming concerns for local safety, local development plans, and environmental impact. Of Mono Lake Committee's 15,000 members- only 5% live in the Eastern Sierras. Membership dues (mostly from major CA cities) support the committee's \$4.5 million annual budget.

Thank you for your time and consideration in supporting much-needed affordable workforce housing to support the local economy in the Eastern Sierras.

Thank you,

Sierra Domaille

**From:** [Bob Gregg](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Friday, June 26, 2020 3:12:25 PM

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I think the project would be good for the County and Lee Vining. I cannot see how it would cause safety problems to motorists or pedestrians or be an eyesore. Lee Vining needs new housing. Lee Vining today is not the most beautiful city in the county. New blood needs to move in. This would help the Mono Lake Committee of which I have been a long time member. The committee was formed to save Mono Lake not take over the surrounding area.

Bob Gregg  
Glendale, CA

**From:** [Kathy Hansen](#)  
**To:** [CDD Comments](#)  
**Date:** Friday, June 26, 2020 2:50:40 PM

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Support letter for Tioga Inn Project.  
Kathleen Hansen  
vp treasurer CONSPEC INC

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*Celebrating Excellence - Veteran Owned & American Proud*

Dear Mono County Supervisors,

I am the daughter of Dennis Domaille and manager of the Tioga Gas Mart. I wanted to voice my own opinions concerning the Tioga Inn Project.

I am in support of the Tioga Inn Project. Workforce housing is much needed in the Lee Vining area. The Tioga Inn Project will provide employees to many businesses, who struggle to find enough staff. I have worked in Lee Vining for 24 summers and have been the hiring manager for the past 15 years. The hardest part of our business is staffing. In order to serve the amount of tourists coming to the area we need employees. Being located at the entrance to a National Park we should be able to provide tourists with proper amenities and service; however, many businesses in Lee Vining are boarded up and permanently closed because they cannot find employees.

Over the years I have employed many Lee Vining High School students. The consensus I have seen is students wish their school was more populated. Over the years I have seen classes vary in size from 2 students to 22 students. The Tioga Inn Project will allow more people to live full time in the area, instead of just transient summer employees. There is a county wide housing shortage that must be addressed.

Tioga Gas Mart has a positive reputation with both its customers and its employees. The Tioga Inn Project had been well thought out and will be an asset to the Mono Basin.

The majority of opposition has come from the Mono Lake Committee who has 16,000 members. Over 95% of the members live out of the area and only know about the Tioga Inn Project from what the Mono Lake Committee has told them. I believe the information given has been misleading and inaccurate.

Thank you for your time and consideration when discussing the Tioga Inn Project and much needed work force housing in Mono County.

Sincerely,

Denise Molnar



June 23, 2020

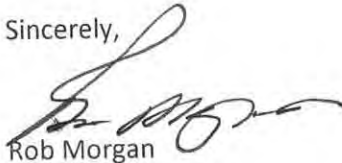
Rob Morgan

Mammoth RediMix

Dear Board of Supervisors,

My family has been providing aggregate and concrete products to Mono County for over fifty years. Historically during that time, our employees have driven heavy equipment and trucks in the summertime, plowing and hauling snow in the winter season. In the past decade the lack of housing has become so severe we find it nearly impossible to find drivers in the winter. This necessitates the Town of Mammoth Lakes, Mono County, Caltrans and private contractors to look for heavy equipment drivers from Bishop. This creates much inefficiency since the drivers are often delayed by their commute or by the snow they are hired to plow. As with most employers in the county the priority qualification for employment is whether or not the applicant has housing. The Tioga project will surely go a long way to alleviate this problem. I urge you to vote for approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Morgan", written over the printed name.

Rob Morgan

**From:** [John Reed](#)  
**To:** [CDD Comments](#)  
**Subject:** Lee Vining Affordable Housing Project  
**Date:** Friday, June 26, 2020 9:52:36 AM

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Mono County Planning Department  
Board of Supervisors

I am writing this in support of the proposed project in Lee Vining to add affordable housing, a hotel and a restaurant on the property owned by Dennis Domaille. I represent a hotel developer with whom we are in negotiations with Dennis to purchase the hotel site if the project is approved. The development of the affordable housing portion of the project is a key component of that purchase. If the project is approved my client is prepared to move forward with the development of the hotel.

It is my belief the entire project will bring a much needed source of income to the Lee Vining area. It will improve the tax base, provide employment, reduce fire danger, and improve the overall Lee Vining economy dramatically. With the environmental mitigation measures proposed I do not see any negative impact to the area. The difference is that with the project many more people will stop and spend money in Lee Vining as opposed to driving through. Everyone in town should benefit. This project is a win for the town, a win for the County, a win for the environment, and a win for social services. I do not see a downside. I wholeheartedly urge your support.  
John

John R. Reed, CCIM

[MVP](#) COMMERCIAL

P. O. Box 338

Oakhurst, CA 93644

559.683.7474 Voice

559.683.7393 Fax

Cal.Lic.#01202627

NMLS #341001

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**From:** [Robert Seddon](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga In Project  
**Date:** Wednesday, June 24, 2020 5:34:25 PM

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I strongly support the Tioga Inn Project as it stands,.

I frequent the Eastern Sierra every summer and spend a lot of time there. This project seems to me to be appropriate for the area/

Robert Seddon  
Yucca VALley CA



# Eastern Sierra Propane

104 Sunland Res. Road, Bishop, CA 93514

(760) 872-2955

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To whom it may concern,

My name is Tom Sigler the owner of Eastern Sierra Propane, a small business serving customers from Lone Pine in the South to Mono City in the North. I have lived in Bishop the majority of my life and started working for a large propane company after leaving the military. I eventually worked my way up into management managing an office in Mammoth Lakes. It wasn't until then that I realized the difficulty of staffing a business in the High Sierras. It was difficult to find qualified personnel to staff your business in Mammoth Lakes, which also serviced June Lake and Lee Vining and since that time, with the high cost and availability of housing, the problem has gotten worse.

Which brings me to my point. It is my opinion that The Tioga Inn project when completed would be a tremendous boost to the economy in the High Sierras. I understand the plan is to install a large propane tank some distance from the highway to service the needs of the project. Having extra propane storage in the area is a positive step in keeping propane prices in check and having it available in the event of an emergency.

Respectfully,  
Tom Sigler

**From:** [John Wolcott](#)  
**To:** [CDD Comments](#)  
**Subject:** Let reason prevail  
**Date:** Thursday, June 25, 2020 5:39:33 PM

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The Mono Lake Committee (MLC) mobilization of their membership to oppose the Tioga Inn Project is anathema to me and completely uncalled for in my opinion. I believe they stand to benefit from it as much if not more than any other commercial activity in Lee Vining. By not acknowledging that, they are being duplicitous. Guests at the hotel who wander into town in the evening are going to find little to do except visit the Bookstore, and once in the door they become potential new members. I have no doubt the MLC will see its membership grow as a result of this additional walk-in traffic.

When I attended my first MLC fieldtrip, I chatted with several interns, and the common theme of their conversations was the lack of housing in Lee Vining. Consequently, when I heard about the Tioga Inn Project, I expected everyone in town would be overjoyed. There finally would be more housing; there would be more tourists to support local businesses, and there would be another dining and lodging option for visitors. Best of all, everything would be located on the uphill side of 395 just south of town, not impacting the view of Mono Lake. If one were to build additional housing units in the Lee Vining area, what better location?

I am impressed by the extent the developer has made accommodations to try and meet reasonable objections and concerns. Mammoth Lakes would be far better today had Intrawest been as accommodating.

John Wolcott  
Bishop

**From:** [Cory Zila](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn should be APPROVED!  
**Date:** Thursday, June 25, 2020 11:21:55 PM

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Dear Mono County Board of Supervisors,

I am the owner of Tioga Green in Lee Vining and am writing to express my support for the Tioga Inn Specific Plan Amendment.

Mono County has worked successfully to ensure that we enjoy a high quality of life. An area for improvement is the lack of available housing in Lee Vining.

As a Lee Vining business owner and resident, I have felt the impacts of the housing shortage firsthand. It personally took me over seven months to secure a residence in Lee Vining, and I grew up in this community. All of my employees currently live elsewhere and are commuting an average of 60 miles each day to come to work. Providing additional units of housing in Lee Vining will ensure that the individuals who help create the fabric of our community will have a place to sleep, nearby, when their workday ends.

The Tioga Inn Specific Plan Amendment provides the Mono County Board of Supervisors with a critical opportunity to support our community. Please approve this important initiative.

Sincerely,  
Cory Zila  
Owner, Tioga Green LLC

188 letters in opposition.

**From:** [Mary Bates Abbott](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn  
**Date:** Friday, June 26, 2020 2:29:30 PM  
**Attachments:** [Outlook-2tpmacnh.png](#)

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The developer has rejected meaningful changes to the project, and the significant adverse impacts remain in this proposal going to the Board.

The Supervisors are being asked to approve a project that damages the scenic nature of the Mono Basin, compromises the safety of motorists, pedestrians and cyclists, stretches the capacity of local schools and the volunteer fire department, and saddles the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer.

Please vote to deny this project.

Mary B Abbott

[Mary Bates Abbott](#)

[Sent from my toaster oven.](#)





**From:** [Patricia Agnitch](#)  
**To:** [CDD Comments](#)  
**Subject:** Comment - Tioga Inn Project  
**Date:** Friday, June 26, 2020 8:44:32 AM

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Good Morning,

As a resident of Mono County I have been following the Tioga Inn development project. While the proponent has made concessions and mitigated issues raised in the EIR, I still have areas of concern including:

\*The site is in a scenic corridor and the Gateway to Yosemite National Park. The location of the proposed project is in direct sight of the hundreds of thousands of visitors to the area and the development will be an eyesore to all those who travel through and stay in the area. The development will also be visible from South Tufa, Mono City and other areas to the east, and of course, highway 395. Visitors travel to the Eastern Sierra to escape urban life, so let's keep the area as pristine as possible.

\*Light intrusion, also known as light pollution, can be described as artificial light that is allowed to illuminate, or intrude upon, areas not intended to be lit. In keeping with Mono County's efforts to maintain "dark skies", the lighting required for a project of this size would require significant lighting. Even downward directed lighting will cause light pollution that will be seen from near and far. Being that the development site is not connected to downtown Lee Vining, any additional lighting in this area will be undesirable.

\*The intersection of Highways 120 and 395 are heavily travelled, as we know. Serious thought needs to be given to the path of travel for residents of the proposed project to the town of Lee Vining. A Traffic Study should be conducted during the summer months when Highway 120 is open and used at its peak. Should a pedestrian bridge be constructed to enhance feet first travel as opposed to motorized travel? That would be unsightly, expensive and who would pay for it?

Even though this project has been under study for quite some time, there are still glaring omissions that need to be addressed. Also, please give consideration to your constituents who overwhelmingly oppose this project. What is the gain to the community if this project was to move forward? Additional traffic and noise. Then there are development fees - will they be sufficient to cover all of the community improvements that would be needed to absorb the increased population and associated aspects of daily living?

I urge the Mono County Board of Supervisors to give serious thought to these issues, in addition of course, to the hundreds of other concerns voiced by Eastern Sierra community members and recreation enthusiasts who enjoy nature. Thank you for your time and consideration.

Let's preserve this slice of paradise which can never be reclaimed if destroyed.

Regards,  
Pat Agnitch  
Mammoth Lakes, CA

**From:** [Gabriel Amaro](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Mono Basin  
**Date:** Wednesday, June 24, 2020 7:34:41 PM

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My name is Gabe and I am a concerned Californian about the future of Mono basin. We need to preserve the natural beauty and lack of commercialism in the area. Again because someone wants to make a buck we are again faced with a simple decision and that is to say no and leave Mono basin as it is now and forever should be. For all people to enjoy the wonder and beauty that is Mono.

Thank you.

Gabe

**From:** [Polemonium Holmes](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 6:59:56 PM

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Mono County,

I urge you to seriously consider the ramification of implementing the Tioga Inn project. As a resident of this lovely county, it would be a downright travesty to move forward for various reasons, as precisely expressed from the Mono Lake Committee. I agree completely with their view and reasoning regarding this issue

This project will damage the scenic nature of the Mono Basin, compromise the safety of motorists, pedestrians and cyclists, stretch the capacity of local schools and the volunteer fire department, and saddle the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer.

Please consider these concerns our community has expressed. Do the right thing.  
Thank you.

Respectfully,  
Anonymous Mono County resident

**From:** [Bette A](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Cc:** [Bette](#)  
**Subject:** I am opposed to proposed Tioga Inn development  
**Date:** Thursday, June 25, 2020 10:23:50 AM

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As a yearly visitor to your part of the Eastern Sierra, I am opposed to the expansion of Tioga Inn. While I understand there will be severe negative effects on the local community, I believe there will also be negative effects for visitors as well. It is the rural quality of the area that attracts visitors such as myself, and I believe that the proposed Tioga Inn development will destroy the ecology and charm of this beautiful area and will result in people like me avoiding the area in the future.

Bette Anton

**From:** [Paul Ashby](#)  
**To:** [CDD Comments](#)  
**Subject:** Public comment on Tioga Inn amendment for Monday's Supervisors' meeting  
**Date:** Friday, June 26, 2020 12:55:48 PM

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I have some questions:

After 27 years and 3 amendments, do we really know what the project proponent has planned for the disposition of the proposed property?

Such projects are nearly always, eventually, sold.

Is there a silent partner involved in the funding and construction?

What if this theoretical partner or eventual buyer is a large multinational corporation? What if this possible new owner (for the sake of discussion, let's call it Marriott at Mono Lake) decides to take the property in a different direction? One not approved in the amendments, or original proposal?

What if the workforce housing (again, that's 97% market rate, 3% affordable) and resort aren't profitable enough, especially with highway 120 West closed at least six months a year -- and the new owner wants to convert the whole, expensive, expansive operation into condos and vacation rentals?

What if the new owner has bigger lawyers than Mono County's?

Significant adverse impacts, all articulated today, must be acknowledged — visual blight, safety, (including fire, and automotive and pedestrian traffic). These, and more, are known negative impacts. They're not hypotheticals.

But what also concerns me are the unknowns and unforeseen.

Envision what can go wrong with this project after it's built.

Please don't do this to Lee Vining, Mono Basin, and Mono County. If you do, everyone who lives here, works here, and visits here will be paying for it for decades. And not in just cash.

Thank you.

## An Open Letter regarding the Tioga Inn Project

June 24, 2020

Mono County Board of Supervisors  
P.O. Box 715  
Bridgeport, CA 93517

Dear Honorable Supervisors,

On June 29 you will be asked to vote on a resolution to override the concerns of local Agencies, residents, and the public in order to approve the Tioga Inn Project and accept its significant adverse impacts on the Mono Basin.

We the undersigned community members write to you today because these significant adverse unaddressed impacts result from a Project that ignores public input, disregards the guidance of the Mono Basin Community Plan, and refuses to pay its own way. Mono County can do better.

The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park.

A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers.

Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions, but the Developer rejected opportunities to improve his Project.

### **The Project violates the Mono Basin Community Plan Vision and Principles**

The Tioga Inn Project will construct a privately-owned city with three times the current population of Lee Vining on top of a highly visible ridgeline with limited emergency access that is physically separated from Lee Vining by major highways. This is not sound community development.

Let us be very clear, our Mono Basin Community Plan supports appropriate development that preserves our community character. The community created the Mono Basin Community Plan in 2012, after years of meetings with the County Community Development Department, and the Board of Supervisors adopted it to establish a set of principles for how development should occur within the Mono Basin. The Community Plan recognizes the real need for workforce housing, appropriate affordable housing, and a sustainable economy with diverse job opportunities. The Community Plan eloquently documents our community's character and establishes pathways to guide successful growth in our town.

The Tioga Inn Project presented to you repeatedly undermines the core Community Plan values of "*small compact communities*" featuring a walkable town, "*safe, friendly communities*" where children have high quality education opportunities, and "*a healthy natural environment*" that includes scenic grandeur and dark-night skies, where the natural character of the land is protected "*by minimizing the intrusiveness of structures.*"

## An Open Letter regarding the Tioga Inn Project

A vote to accept the significant adverse effects of the Project will effectively repeal the Board-adopted Mono Basin Community Plan and abandon the principle that Mono County communities can define and protect their community character. This is a dangerous precedent for every community in Mono County.

### **The Project is bad for kids, schools, businesses, Mono Lake, and Lee Vining**

The Tioga Inn Project will create so many large, permanent impacts that it raised widespread alarm. Mono County received more comments of concern and opposition than any Mono County project we can recall. These include critical public safety and education problems raised by Agencies such as the Lee Vining Volunteer Fire Department, Eastern Sierra Unified School District, and the Mono County Sheriff.

Auto accidents will increase, the costs for our local schools will skyrocket, fire and emergency services will be stretched beyond capacity, and the world-renowned scenic qualities of Mono Lake and the gateway to Yosemite National Park will be forever diminished. The list of problems revealed in comments and the Project documents is even longer.

*Are there really no feasible alternatives?*

To pick an example, the Project provides no safe route for kids to walk the  $\frac{3}{4}$  mile from the Project site to school, making it a classic example of leapfrog development. The FSEIR states “there is no feasible way at this time to provide connectivity between the Project site and downtown Lee Vining” (p.103). But inquiries by community members have found that Southern California Edison is willing to explore use of its land to provide exactly this connectivity. Here “no feasible way” appears to mean the Developer is unwilling to solve the problem his Project will create.

### **The Project sticks the community and County with millions of dollars in unfunded obligations—who is going to pay for this?**

The Developer’s choice of Project size and location creates significant expensive and complex problems; a housing development of modest size located in town, for example, could take advantage of Lee Vining’s existing walkable community. But because that is the Developer’s choice, the cost of providing safe routes to school, fire protection, school resources, and visual screening should be the responsibility of the Developer.

Instead, you are being asked to approve the permanent adverse impacts of this Project. *A yes vote on the override resolution will offload millions of dollars of unfunded obligations onto the Mono Basin community and Mono County taxpayers who will have to provide the development with expanded fire, road, school, safety, and other County services.*

### **The Project ignores Agency, resident, and public solutions**

Scoping for the Tioga Inn Project began in 2016. Agencies, residents, and the public have offered constructive comments and common-sense solutions to the problems the Project creates over the last four years through thousands of pages of comments and hours of testimony. We recognize that some Project changes have been made to date—but they don’t go far enough. The Project’s damaging impacts remain. Workable solutions offered during the public process that could fix the Project are very achievable. There is no need to accept the permanent damaging impacts contained in the Proposal before you.

## An Open Letter regarding the Tioga Inn Project

### A better project is possible

It is feasible to vastly improve this Project. Your Board does not need to vote to override citizens and local Agencies and accept permanent significant adverse impacts on our community.

We all share a desire to provide affordable housing for our community members but this Project as proposed is not the solution. In fact, local efforts are already underway to plan affordable housing in Lee Vining and we welcome your help in making them a reality.

Feasible mitigations that have been suggested throughout the Project process are ignored in the final proposal before you. Three important examples are attached. Including these plus other suggested mitigations for wildlife, sustainability, and numerous other items would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

Lee Vining and Mono County deserve better. The Project should not be approved as proposed because it creates too many unacceptable impacts. If you determine that fixing the Project is worthwhile, you can send it back to the Developer with the direction that he work with the community to accomplish a redesign that can be brought back to you in a new proposal that mitigates significant impacts and aligns with the vision and values of the Mono Basin Community Plan.

Sincerely,

 Tim and Stephanie Banta Lakeview Lodge, Fourth Generation Family Owners	 Francisco Copado, Jr. Owner, Mono Cone
 Geoffrey McQuilkin and Bartshe Miller Mono Lake Committee	 Paul McFarland Lee Vining Community Member
 Charlotte Lange Chairman, Mono Lake Kutzadika <sup>a</sup> Tribe	 Narciso Vargas Lee Vining Community Member
 Cecily and Joey Audenried Murphey's Motel and Mono Cup Coffee	 Duncan King Lee Vining Community Member
 Janet Carle Lee Vining Community Member	 Julie Vargas LVHS recent graduate, Community Member
 Dulce Pascetti Lee Vining Community Member	 Kelly Miller Owner, El Mono Motel and Latte Da Coffee Café
 Janet Keller and Tom Keller Family of Anna Keller Mattly, wife of Chris Mattly, 1928 founder of Lee Vining	



## **MONO COUNTY CAN DO BETTER**

### **Examples of the Many Feasible Tioga Inn Project Mitigations**

Feasible mitigations that have been suggested throughout the Project planning process are missing from the final proposal before you. Including these, plus other suggested mitigations for wildlife, sustainability, and numerous other items, would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

#### **Require a safe foot and bicycle connection between the Project site and Lee Vining. Period.**

***Problem: The lack of connectivity is a huge danger to future residents, visitors, and children and a source of significant liability.***

Existing site development has already increased pedestrian traffic between the site and Lee Vining due to impacts that were approved but never analyzed in past specific plan amendments. The Developer now proposes to add a population that is three times larger than Lee Vining is today yet refuses to build a safe walking and biking connection between his development and Lee Vining.

The FSEIR concludes, "there is no feasible way at this time to provide connectivity between the project site and downtown Lee Vining" (p.103), but the Developer only considered highway-side solutions. The community's recommended options were not pursued by the Developer.

One example is the opportunity to build a pedestrian and bicycle pathway between the Project and Lee Vining in the vicinity of the Southern California Edison (SCE) utility road. Informal conversations between community members and SCE have found it is indeed possible to negotiate a renewable license agreement for a County trail that would be paid for by the Developer. Such an agreement would be similar to the decades-long license that the County holds with SCE for the Lundy Canyon campgrounds.

When the lives of our children, residents, and visitors are at stake, it is NOT acceptable to sidestep building safe routes to school and town.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected:***

*Construct a safe foot and bicycle trail across Southern California Edison land to link the project site and the existing sidewalk network in Lee Vining. A trail would be a County facility and the Developer would offset cost by contributing the project's fair share of costs to a mitigation fund held by Mono County before any Project construction begins.*

## An Open Letter regarding the Tioga Inn Project

### **Clearly Link Project Phasing to Actual Construction of the Hotel and Restaurant**

***Problem: The large Project size and weak connection to its described purpose is a major source of the Project's numerous significant unresolved impacts on the Mono Basin Community.***

The FSEIR states that the Project “will provide stable, year-round housing for all [Tioga Inn hotel and restaurant] project employees who wish to live on the project site.” The FSEIR also identifies the fees from the hotel and restaurant as providing the vast majority of the hoped-for revenue benefits to Mono County.

Yet, after 27 years, the hotel and restaurant remain unbuilt and the Project provides no commitment that these facilities will ever be constructed. Mono County may never receive the anticipated Hotel/Restaurant revenue, saddling County residents with all significant Project impacts AND all costs to address them.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Mandate Project construction phases that are clearly linked to the hotel construction. For example, require that Project building permits may only be issued after hotel construction is 50% complete and that the Project certificate of occupancy may only be issued after issuance of a certificate of occupancy for the hotel.*

### **Require Complete Visual Screening from High-Value Tourist Destinations**

***Problem: The Tioga Inn Project remains highly and unnecessarily visible from key Mono Basin tourist destinations.***

The FSEIR states that, despite design adjustments, the Project “will not reduce aesthetic impacts to less than significant levels” (p. 105). The Project impairs the scenic views from Mono Lake’s South Tufa shoreline, the number one tourist destination in Mono County.

Tourism is critical to Mono County’s economy. Yet the Developer unnecessarily asks the County to approve significant adverse impacts to the scenic vistas and dark night skies that comprise a major draw to hundreds of thousands of visitors annually.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Design Project so that no buildings are visible in the sightline from the South Tufa and Navy Beach shoreline. Restrict all building phases to one-story height. Relocate parts of the Project to other naturally screened locations on the large Project site. Use earth berms, grading, and other physical measures to physically block the sightline of buildings, windows, and any other elements that create reflection from morning and evening sun angles or transmit interior or exterior Project lighting. Limit grading to the amount needed for each development phase, rather than grading the entire site all at once.*

**From:** [Robert Avakian](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 10:15:55 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have been interested in the Momo Lake area since 1969-70 when I was part of a USGS/Stanford university seismic field group. The Mono lake and its surrounding area is a marvel of nature and geologic history.

I am very concerned about the Tioga project and its impact on the region. Any such project should be engineered to blend in with the surroundings AND to protect the area's environment. From what I have seen, the plans for this project do neither.

As County officials you have a moral responsibility to protect the region and its environment including things like where water will be sourced and the impact on all stakeholders. Pollution from sewerage is another problem and so is the air pollution in a relatively closed basin from added automotive traffic.

I respectfully request you weigh all these factors and at least force the builders to do the same. There is only one Mono Lake left. Please protect it!

Robert W. Avakian  
Tulsa, OK  
and  
MAckenbach, Germany

**From:** [Harold Baerresen](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Proposed Development in Lee Vining  
**Date:** Thursday, June 25, 2020 11:08:08 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to voice my opposition to the proposed Tioga Inn development for Lee Vining. This development would have a negative impact on the entire area. The scope and magnitude of this development will irreparably harm the area with increased traffic and pollution as well as higher demand for public services such as fire and law enforcement. This is the type of development that one would expect in an area like Mammoth or Lake Tahoe, but not in the beautiful community of Lee Vining. Visitors on Highway 395, Highway 120 and Mono Lake have long enjoyed the peaceful serenity, beauty and quaint feel of Lee Vining. Please don't allow this to be destroyed by voting down the proposed development.

Thank you for your support and consideration

Harold Baerresen  
626-6954993

Sent from [Mail](#) for Windows 10

**From:** [Mark Baker](#)  
**To:** [CDD Comments](#)  
**Cc:** [Mono Lake Committee](#)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 9:32:41 PM  
**Attachments:** [LED Light Cancer Risk.pdf](#)  
[Letter to City Council.pdf](#)  
[AMA Report 2016 60.pdf](#)  
[AP2014SA0253EN.pdf](#)  
[Light And Safety.pdf](#)  
[IDA-State-Of-The-Science-2020.pdf](#)  
[SoftLightsOutdoorLightingDesignGuide.pdf](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board,

The Mono Lake Basin is one of the most spectacular viewsheds in the entire world. Development must remain absolutely minimal and should not spread out. My family has been living in and visiting the area since the 1920's and it remains a sacred treasure for us. We are members of the Mono Lake Committee and we trust their judgement. Therefore, we oppose this project until the project is assured not to damage the viewshed of the area.

Soft Lights is an advocacy group dedicated to educating decision makers about the dangers of LED lighting and light pollution. If this project does proceed, we ask that all outdoor lighting be fully shielded and have a maximum color temperature of 2200 Kelvin.

Please find attached useful documents related to LED lights and light pollution that you may share with your staff.

Sincerely,

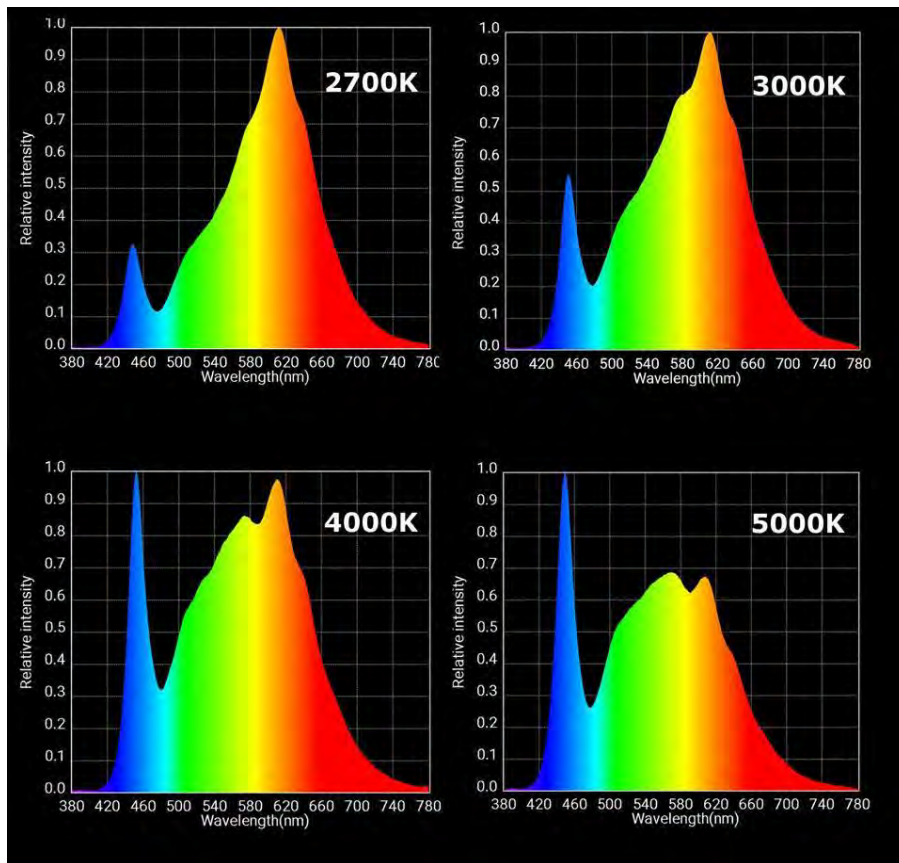
Mark Baker  
Soft Lights  
[www.softlights.org](http://www.softlights.org)

# Outdoor Lighting Design Guide

The purpose of this document is to alert decision makers to important issues related to the installation of LED outdoor lights. These design criteria include color temperature, human health, flora and fauna, and people with light sensitivity disabilities.

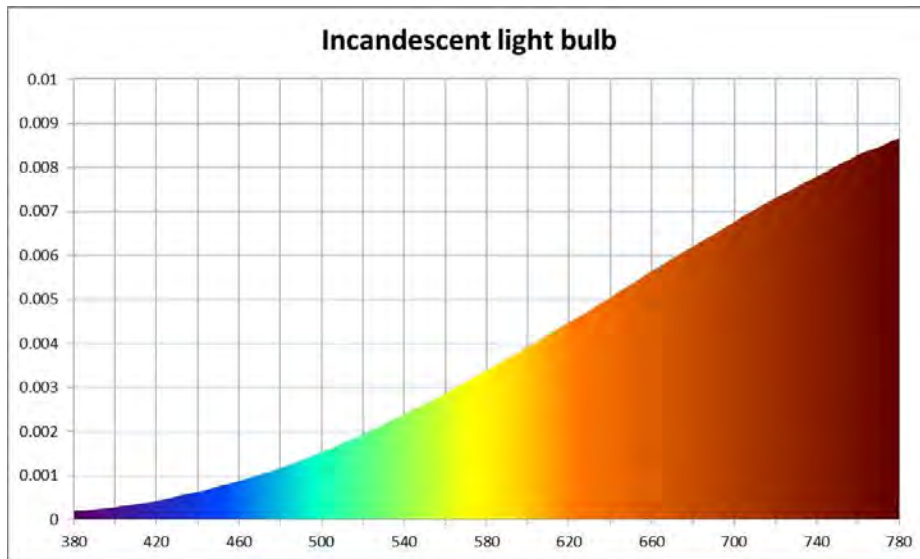
## Color Temperature

Probably the most important criteria for lighting is color temperature. The advent of outdoor LED lighting has created a technology that can be unsafe for humans and for wildlife. This is because the main driver of LED emits blue wavelength light, which research has shown is dangerous when the blue peak is too high. Here is a chart showing the spike of blue wavelength light in different color temperature LEDs.



As you can see from the chart, the blue spike is far too large in comparison to the other wavelengths until about 2700K.

In comparison, below is a chart for a typical incandescent light.



Note how there is very little blue wavelength light, but a large amount of red wavelength light.

When outdoor LEDs first came out several years ago, there were very few options. Cities that were early adopters chose what was available, which was 5000K. Ever since, residents have been complaining bitterly to their city councils about these high glare lights. As technology has been refined, cities have been moving from 5000K to 4000K to 3000K and now 2700K, 2200K and 1700K.

The American Medical Association studied this carefully and released their seminal report in 2016. They stated maximum for the time was 3000K. However, as new research has been released in the past 4 years, the AMA now recommends a maximum color temperature of "as low as possible."

The consensus now is that 2700K as the maximum safe, comfortable color temperature. This value matches the science, but it also matches personal feelings. Not all people react to high color temperature, but many do, especially those with light sensitivity disabilities.

Therefore, the maximum color temperature for an outdoor lighting project should be 2700 Kelvin.

## Diffusion

LEDs produce visible light that is spread over a wide part of the visible light spectrum. Because LEDs focus light on a small area, the result can be injury to the eye. Therefore, any product that you select should have advanced optics that incorporate diffusion properties or external diffusers such as frosted glass to scatter the light source.

## Shielding

Shielding is an important criterion to keep the light focused where it should go. There should be no uplight. Also, lighting should not trespass onto private property. The Illuminating Engineering

Society and the International Dark Sky Association just recently agreed to a strategic partnership to address the issue of light pollution. Below are the 5 Principles for Responsible Outdoor Lighting.

<b>LIGHT TO PROTECT THE NIGHT</b> Five Principles for Responsible Outdoor Lighting		 <b>Illuminating</b> ENGINEERING SOCIETY	
<b>USEFUL</b>		<b>ALL LIGHT SHOULD HAVE A CLEAR PURPOSE</b> Before installing or replacing a light, determine if light is needed. Consider how the use of light will impact the area, including wildlife and the environment. Consider using reflective paints or self-luminous markers for signs, curbs, and steps to reduce the need for permanently installed outdoor lighting.	
<b>TARGETED</b>		<b>LIGHT SHOULD BE DIRECTED ONLY TO WHERE NEEDED</b> Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.	
<b>LOW LIGHT LEVELS</b>		<b>LIGHT SHOULD BE NO BRIGHTER THAN NECESSARY</b> Use the lowest light level required. Be mindful of surface conditions as some surfaces may reflect more light into the night sky than intended.	
<b>CONTROLLED</b>		<b>LIGHT SHOULD BE USED ONLY WHEN IT IS USEFUL</b> Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.	
<b>COLOR</b>		<b>USE WARMER COLOR LIGHTS WHERE POSSIBLE</b> Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.	

## Sub-sensory Flicker

Some sensitive people can detect the switching between the DC LED and the A/C grid. This is known as sub-sensory flicker. This is typically caused by cheap driver electronics. Therefore, ensure that your vendor provides, in writing, a guarantee that there is no sub-sensory flicker.

## Brightness

We tend to over light. As noted in the IES/IDA chart above, it is important to use the lowest lumens possible. Human eyes have cells for day vision and night vision. As we switch to night vision, our ability to see color is reduced, but our sensitivity increases. The high CRI of LED light will already improve our ability to see color, so it is important not to use a light that has too many lumens. Refer to IES Standard RP-8-18 for details, especially chapters 2 and 4.



## Color Rendering Index

The CRI of HPS is typically less than 40. LED lights can utilize multiple blends of phosphor to achieve a specific CRI ranging from 65 to over 97 CRI. Therefore, any LED light utilizing this type of phosphor blend will have a vastly improved CRI versus HPS.

LED lights can also use single color dies, such as narrow band amber or red, which can have a CRI below zero, which means color rendering that is worse than HPS. However, there are numerous health and ecosystem benefits to using narrow band amber or red which outweigh the benefits of a high CRI. Therefore, CRI should be given a low priority compared to other design parameters.

## Safety

There will be some residents that will be concerned that if an area is not super bright, they will not be safe. Their feelings may be valid, but the truth is that they will not be any safer with super bright lights. There are numerous studies about the safety of bright lights, but the results are ambiguous. In other words, safety comes from factors other than bright white lighting.

Studies have also shown that women, as a group, feel safer with a softer, warmer color temperature of 2200K or 2700K versus the harsh white color of a 4000K LED.

## Time of Day

There is a considerable drop off in human activity later into the night. Therefore, if the design team plans on procuring devices that allow control of the brightness, then set up a system where the brightness can be controlled by time of night. For example, if a streetlight is normally operating at 500 lumens, perhaps 100 lumens would be sufficient after 11:00pm.

In addition, consider using motion sensors to further reduce the light to zero when not in use.

## Bat Friendly

Research has shown that bat feeding is greatly impacted by lighting at night. Outside of city centers, use approximately 1000K red LED lighting. Here is an example of bat-friendly lighting in Worcestershire, England. Their studies have shown that there is no reduction in safety when using this color temperature of light.



## Light Sensitivity Disabilities

A significant percentage of the human population is very sensitive to light. They can perceive light that neurotypicals cannot or their emotions are triggered in ways that neurotypicals are not triggered. We know that color temperatures exceeding 2700K can cause emotions of anger, agitation, thoughts of suicide, fear, and depression in highly sensitive persons. Strobming LED lights can be even worse.

The class of people with light sensitivity disabilities include those with autism, PTSD, epilepsy, bipolar disorder, highly sensitive persons, migraine sufferers, post-concussion sufferers, lupus, and others. The Americans with Disabilities Act protects this class of people. Therefore, the lighting design team must ensure that any lighting designs do not harm those with light sensitivities. In general, this means 2700K or less and no sub-sensory flicker. However, please check with your local disability rights group to ensure that all needs are met.

## References

Safety

<https://theconversation.com/more-lighting-alone-does-not-create-safer-cities-look-at-what-research-with-young-women-tells-us-113359>

<https://jech.bmj.com/content/69/11/1118>

[https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/hod/a12-csaph-reports\\_0.pdf](https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/hod/a12-csaph-reports_0.pdf)

Bat Friendly

<https://www.bbc.com/news/uk-england-hereford-worcester-49534621>

Mark Baker  
Soft Lights  
[www.softlights.org](http://www.softlights.org)  
mbaker@softlights.org

# International Dark-Sky Association

## State Of The Science briefing:

### Artificial Light At Night (ALAN) 2020

John C. Barentine, Ph.D.  
IDA Director of Public Policy  
January 2020

Environmental pollution caused by artificial light at night (ALAN), commonly known as “light pollution,” is both a source of significant known and suspected hazards and growing exponentially in terms of its geographic presence and reach. This IDA State Of The Science briefing summarizes the evidence and impact of light pollution over a series of broad categories. Research results increasingly identify human over-consumption of ALAN as the fundamental driver of light pollution,<sup>1</sup> and identify the main challenge as how best to maximize the benefits of outdoor light at night while simultaneously limiting its costs in both environmental and financial terms.<sup>2</sup>

## The Night Sky

Perhaps the most immediate manifestation of light pollution -- and the one that garners the most public attention -- is the phenomenon of skyglow. Skyglow forms over cities and other places with large installations of outdoor lighting, and results from the scattering of light emitted on the ground. While some of that light escapes the Earth’s atmosphere and can be sensed remotely by Earth-orbiting satellites, some fraction encounters molecules and/or small particles in the atmosphere and its path is redirected to the surface. Skyglow is characterized by an increase in the intensity of light in the night sky that diminishes the contrast between astronomical objects and the sky, making it more difficult to see those objects.

Remote sensing of “night lights”, indications of ALAN, gives us our best view of the global scale of the problem of light pollution. Figure 1 shows a global composite map of night lights as observed in 2016 by the Visible Infrared Imaging Radiometer Suite (VIIRS) instrument aboard the NASA-NOAA *Suomi* National Polar-orbiting Partnership (NPP) satellite. The VIIRS Day-Night Band (DNB) yields images of the night side of the Earth with sufficient sensitivity to make meaningful quantitative measurements of night lights on spatial scales of less than one square kilometer per pixel. Together with earlier data provided by the U.S. Defense Department

Defense Meteorological Satellite Program (DMSP), orbital measurements of light pollution dating to the 1970s are available for scientific study.



**Figure 1.** Annual cloud-free composite view of night lights in Suomi NPP VIIRS-DNB. NASA Earth Observatory images by Joshua Stevens, using Suomi NPP VIIRS data from M. Román (NASA's Goddard Space Flight Center).

Researchers have learned much about the spread of light pollution across the globe. Of the world population, more than 80% of all people and more than 99% of the U.S. and European populations live in places where the night sky is fouled by light pollution.<sup>3</sup> The extent to which the indication of ALAN appears in remote sensing data and the quantity of emitted light have increased by roughly two percent per year in recent years (Figure 2).<sup>4</sup> The spatial variance of

ALAN is large,<sup>5</sup> and both indications and quantities of light are stable or decreasing in only a handful of countries.<sup>6</sup> However, the VIIRS-DNB is completely insensitive to some of the light emissions of newer lighting technologies, meaning that figures reported in recent scientific studies are actually underestimates and should be taken only as lower limits.

Ice and snow intensify skyglow due to their high reflectivity, enhancing upward-directed emissions from cities; models of

**Figure 2.** Absolute change in the artificially lit area of the Earth during 2012-2016 as determined by remote sensing observations. Each pixel has a near-equal area of ~6,000 km<sup>2</sup>. Although the upper range of pixel colors cuts off at 200 km<sup>2</sup>, some pixels had changes of up to ±2,000 km<sup>2</sup>. Figure 2 from Kyba et al. (2017).

skyglow formation over cities show an almost linear relationship between ground reflectance and artificial sky brightness.<sup>7</sup> Measurements of the effect show an up to three-fold increase in night sky brightness in cities due to snow cover on the ground,<sup>8</sup> and snow cover further amplifies skyglow itself due to reflections of the sky from the ground.<sup>9,10</sup> Skyglow is also sensitive to the presence of very fine particles in the air, which may be increased by certain kinds of air pollution.<sup>11</sup> Cloudy nights make the problem much worse; overcast conditions over cities are found to increase the intensity of light at the ground by a factor of up to ten.<sup>12</sup> On the other hand, the comparative absence of ALAN in rural places means that cloud cover tends to darken the nighttime sky and landscape.<sup>13</sup>

The rapid rise in global light pollution is fueled by the increasing preference and commercial supply of solid-state lighting, a market dominated by white light-emitting diode (LED) technology. A consequence of this is a fundamental shift in the color characteristics of ALAN emitted into the nighttime environment.<sup>14</sup> White LED lighting generally emits significantly more short-wavelength (i.e., blue) light than other lighting technologies, which can yield several times more contribution to skyglow.<sup>15,16,17</sup>

At the same time, the 2010's saw the rapid rise of interest in places where natural nighttime darkness remains, fueling the growth of a new sustainable tourism model.<sup>18,19,20</sup> Revenues from 'astrotourism' are estimated to be significant on regional scales,<sup>21</sup> and this may encourage lighting practices and public policies that protect dark night skies. But it has also called into question the notion of what a "dark sky" is,<sup>22</sup> and how natural darkness can or should be quantified in order to best preserve it.<sup>23</sup>

## Wildlife

ALAN exposure is known to harm a vast array of species on Earth. Organisms at or near the surface of the Earth experience natural illumination levels spanning nine orders of magnitude (Figure 3) with the timing and duration of those exposures largely determined by the Sun and Moon. Some species rely on dim sources of natural light, such as starlight, for orientation and navigation.<sup>24</sup> ALAN is therefore a novel challenge to biological processes and

*Figure 3. Natural illumination during the day, sunset, and at night. Horizontal illuminance is shown on the y-axis, while the x-axis shows the altitude above the horizon for the Sun and Moon. SS = sunset, CT = civil twilight, NT = nautical twilight, AT = astronomical twilight. Adapted from Beier, P. (2006). Effects of artificial night lighting on terrestrial mammals. Pages 19–42 in C. Rich and T. Longcore, eds. (2005). Ecological consequences of artificial night lighting. Island Press, Washington, D.C.*

characteristics that evolved over billions of years in the presence of only natural sources of light at night.

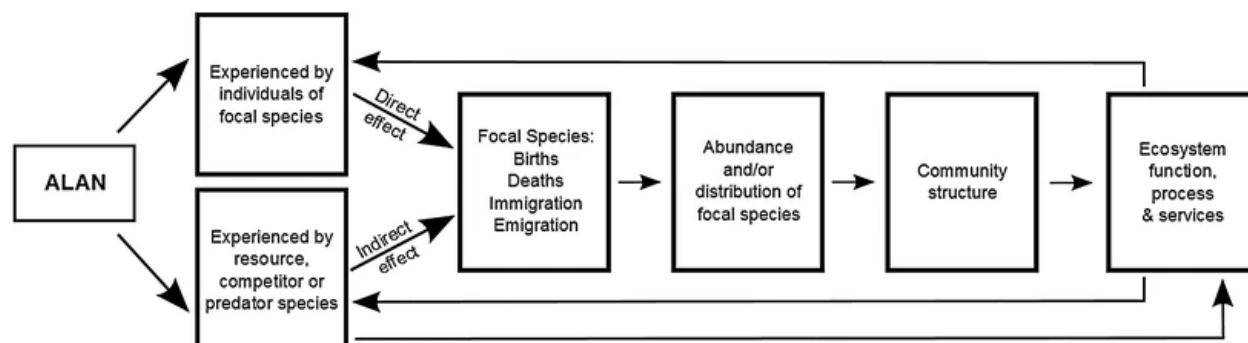
Over 160 species have been shown to respond to ALAN,<sup>25</sup> and nearly all react in ways that negatively impact both individuals and entire populations. Observed impacts are reported among birds,<sup>26,27,28,29</sup> fishes,<sup>30,31,32</sup> mammals,<sup>33,34,35</sup> reptiles,<sup>36,37,38</sup> amphibians,<sup>39,40,41</sup> invertebrates,<sup>42,43,44,45,46</sup> and plants.<sup>47,48,49</sup> ALAN is known to disrupt physiological processes that rely on the daily and seasonal rhythms of light cues, such as foraging behaviors,<sup>50,51,52,53</sup> timing of emergence<sup>54,55,56,57</sup> and reproduction,<sup>58,59,60,61</sup> and communication.<sup>62,63,64</sup> ALAN exposure is further observed to reduce the cellular immune response of some organisms.<sup>65</sup>

ALAN interacts with organisms both *endogenously* (through their own biology) and *exogenously* (through their interaction with the environment). Endogenous harm from ALAN exposure generally results from the disruption of chemical signaling in the organism<sup>66</sup> tied to the so-called circadian rhythm, a roughly 24-hour cycle of activity tied to the length of an Earth day. Exposure to sunlight, followed by many hours of darkness, establishes an environmental cue that helps 'entrain' the rhythm to the changing day length throughout the year at temperate latitudes. In addition, the visual systems of some species show sensitivity to the polarization state of light,<sup>67,68</sup> suggesting that characteristics other than intensity, spectrum, duration and timing of ALAN exposure are important ecological considerations.<sup>69</sup>

Exogenous impacts of ALAN to wildlife typically involve modifying the nature of predator-prey interactions,<sup>70,71,72,73</sup> diminishing the resiliency of food webs<sup>74</sup> and threatening fitness of prey species (Figure 4). Affected species often also perform various ecosystem services that are subsequently affected (Figure 5).<sup>75,76,77</sup> In many cases, dependencies exist between these species and the production of food crops. Other ways in which ALAN causes exogenous harms to species are by reducing options for foraging,<sup>78,79,80,81</sup> altering reproductive strategies and/or output,<sup>82,83,84,85,86,87,88</sup> affecting locomotion and orientation ability<sup>89</sup> and creating or disguising barriers to safe mobility.<sup>90,91</sup> It can also create conditions of phototaxis, the bodily movement of a motile organism in response to light. Phototaxis is a cause of injury and mortality in both bird and insect species.<sup>92,93,94</sup> These results

**Figure 4.** Fitness of prey species in the wild could be decreased with exposure to ALAN. Figure 1 from Russart, K., & Nelson, R. (2018). Artificial light at night alters behavior in laboratory and wild animals. *Journal of Experimental Zoology A: Ecological and Integrative Physiology*, 329(8-9), 401–408. doi:[10.1002/jez.2173](https://doi.org/10.1002/jez.2173)

indicate that ALAN is rapidly emerging as one of the most pressing and imminent threats to global biodiversity,<sup>95</sup> and may be a direct contributor to observed population declines, especially among invertebrates.<sup>96,97</sup>



**Figure 5.** A schematic representation of the routes by which ALAN influences interspecific interactions, and the ecological consequences of those interactions. Figure 7 from Gaston, K., et al. (2014). *Human alteration of natural light cycles: causes and ecological consequences*. *Oecologia*, 176(4), 917–931. doi:[10.1007/s00442-014-3088-2](https://doi.org/10.1007/s00442-014-3088-2).

## Human Health

The causal relationship between ALAN exposure and human health and wellbeing is a controversial subject far from clear definition. Despite the unsettled nature of the science, there are clear indications that ALAN has some effects on humans. These effects appear to stem largely from the ability of short-wavelength light to disrupt the circadian rhythm<sup>98,99</sup> that governs everything from the timing of hormone secretion to the sleep-wake cycle (Figure 6).

Exposure to ALAN at inappropriate times during this cycle delays or suppresses altogether the onset of the secretion of melatonin,<sup>100</sup> a potent antioxidant known to interact with the immune system.<sup>101</sup>

Melatonin is suppressed at very low light intensities, as little as 6 lux in

**Figure 6.** A flow-chart representation of the interaction of blue light in the external environment with the human visual and circadian systems. (Adapted from Kumar et al. 2019)



sensitive humans,<sup>102</sup> although a large range in human sensitivity to this effect is observed.<sup>103</sup> The long-term health impacts of low-level ALAN exposure are unknown, but it is suspected that chronic exposure to dim ALAN has cumulative effects comparable to those from higher illuminances.<sup>104</sup>

The light-melatonin association is mediated by intrinsically photosensitive retinal ganglion cells (ipRGCs), a previously undiscovered type of light receptor in the human retina.<sup>105</sup> ipRGCs contain a photopigment called melanopsin, whose sensitivity to blue light is exceptionally strong.<sup>106</sup> Signals from ipRGCs exposed to blue light are directed to the master circadian 'clock' in the hypothalamic suprachiasmatic nucleus (SCN) of the brain, establishing a timing reference for other 'clocks' in other organs and systems in the body that regulate a variety of biological activities, including energy homeostasis.<sup>107</sup> Exposure to ALAN causes internal desynchrony associated with resetting of the circadian clock.<sup>108</sup> Further, it is now recognized that ALAN exposure results in epigenetic changes to individuals,<sup>109,110</sup> resulting in modification of core clock genes known to result in some routes of carcinogenesis.<sup>111,112,113</sup>

Sufficient evidence exists suggesting a link between ALAN exposure and both acute and chronic health effects, but great caution is needed to properly interpret research results. A robust conclusion about human exposure to ALAN is that it is an emergent 'lifestyle risk' associated with metabolic disorders and related morbidities, including obesity,<sup>114,115</sup> diabetes,<sup>116,117</sup> and certain types of cancer.<sup>118,119</sup> ALAN exposure is similarly associated with the promotion of metastases of some cancers,<sup>120</sup> resistance to drug therapies,<sup>121</sup> and an increase in systemic oxidative stress.<sup>122</sup> Other known chronobiological effects include both acute and chronic insomnia,<sup>123,124</sup> with implications for public health and worker safety and productivity.

Practitioners are slowly recognizing the importance of the role played by ALAN in healing and restoration of health, with effects noted for conditions as varied as cerebral ischemia,<sup>125</sup> atherosclerosis,<sup>126</sup> dermal wounds<sup>127</sup> and systemic inflammation.<sup>128</sup> Health outcomes, especially for patients in hospital settings, are increasingly connected to controlling ALAN exposure.<sup>129,130</sup> Other studies identify ALAN as an influence on the progress of normal aging.<sup>131,132</sup> There are also indications of ties between ALAN exposure, chronic circadian disruption and mental illness, mediated by the same factors that appear to cause organic disorders.<sup>133,134,135,136</sup> And limited evidence exists suggesting that ALAN exposure may cause developmental defects in humans.<sup>137,138</sup> On the other hand, limiting ALAN exposure -- especially short-wavelength ALAN - helps maintain normal circadian rhythmicity and ameliorate metabolic abnormalities.<sup>139</sup>

We understand much about the underpinnings of ALAN interaction with mammalian biological systems, independent of the source of the ALAN photons. Still, it is not possible at this point in time to draw a direct connection between ALAN exposure in *outdoor* settings and the incidence of disease in individuals or populations.

## Public Safety

Among the causes of light pollution is the popular belief that the use of outdoor light at night necessarily improves road and traffic safety and discourages or prevents the perpetration of both violent and property crimes. While under certain circumstances the careful application of outdoor lighting may improve nighttime safety, this belief is not grounded in peer-reviewed scientific evidence.

As concerns the impact of outdoor lighting on both crime and road safety, a survey of the literature reveals conflicting results. Some studies find evidence for a positive correlation in which crime or road collisions decrease after application of lighting treatments,<sup>140,141</sup> while others find either a negative correlation,<sup>142</sup> none at all,<sup>143,144,145</sup> or ambiguous results.<sup>146</sup> A few authors turn the question around and ask whether reducing outdoor lighting in areas prone to either crime or road collisions leads to poorer outcomes, finding little or no such evidence.<sup>147</sup>

Among the practical barriers to a clear determination of the effect of outdoor lighting on public safety is an inability to model whatever underlying mechanism may exist. Jackett and Frith (2013) rightly note that “*no well-established dose-response relationship to lighting parameters exists from which one can deduce benchmark levels of lighting for safety.*”<sup>148</sup> One consequence, as Fotios and Gibbons (2018) write, is that “*recommendations for the amount of light [for drivers and pedestrians] do not appear to be well-founded in robust empirical evidence, or at least do not tend to reveal the nature of any evidence.*”<sup>149</sup>

A significant limiting factor in drawing clear and unqualified conclusions about the interaction of outdoor lighting and crime and road safety is that carefully controlled studies involving both are notoriously difficult to design, conduct, and interpret. As a result, many of the claims about outdoor lighting and its impact on public safety -- for better or worse -- may be fundamentally wrong.<sup>150,151</sup>

A separate issue regarding road traffic is whether automotive lighting itself is a source of objectionable light pollution, specifically in relation to its utility as a means of ensuring public safety. There is little research to date on the overall contribution of automobile lights to light pollution, although early work suggests that the impact is non-trivial.<sup>152,153,154</sup> Also, researchers are only beginning to contemplate the implications for the need for future installations of roadway lighting as the result of the introduction of autonomous (self-driving) vehicles.<sup>155</sup>

## Energy Security

Wasted outdoor light at night is wasted energy. To the extent that humans remain strongly dependent on carbon fuels to generate electricity, the issue of light pollution is one of energy use and its influence on global climate change. Prior to the introduction of energy-efficient solid-state lighting (SSL), electricity used to power outdoor lighting accounted for about 1.5% of

global power consumption.<sup>156</sup> Motivated by the potential cost-of-ownership savings through reduced energy consumption and “green” policies promoting sustainable practices, municipalities have rushed to convert public outdoor lighting systems from incumbent technologies such as high-intensity discharge lighting to SSL. As prices of SSL lighting products steadily declined through the 2010’s and the capital payback time for new installations decreased, the adoption rate of the new technology accelerated.

This seems at first glance to be beneficial to the environment; the United Nations Environment Program estimates that a transition to energy efficient lighting would reduce global electricity demand for lighting by 30-40% in 2030.<sup>157</sup> However, the exceptionally rapid global transition to SSL in the name of energy efficiency may inadvertently worsen the problem of light pollution by making outdoor light at night cheaper to produce, fueling higher consumption. As ALAN has become cheaper to produce, its consumption has increased substantially; humans now consume thousands of times more lumens than they did in the past.<sup>158</sup> In fact, there are signs of an emerging economic rebound effect in which the efficiency gains brought about by the adoption of SSL are eroding expected savings in both energy consumption and related carbon emission. The median global increases in gross domestic product (GDP) by country since 2010 approximately match the median country’s increase in the use of ALAN, and are “inconsistent with the hypothesis of large reductions in global energy consumption for outdoor lighting because of the introduction of solid-state lighting.”<sup>159</sup> Therefore, claims concerning the purported environmental benefits of LED lighting may be, at best, overstated. It has been argued that this calls for a new definition of ‘efficiency’ that considers primarily the total cost of light rather than simply its electricity cost.<sup>160</sup>

Absent regulation of outdoor light use to curb consumption, SSL threatens the same negative externalities that accompanied earlier technologies in terms of light pollution. When these externalities are considered as part of the total cost of SSL retrofits, their apparent benefits to society appear to fade. For example, one study of a municipal SSL retrofit effort in the United States found a ten-year rate of return of -146.2% compared to +118.2% when the costs associated with avoided carbon emissions and health outcomes related to ALAN exposure are ignored.<sup>161</sup>

When these externalities are included in return on investment calculations, energy efficiency programs appear no more or less attractive than indications from conventional estimates that include only energy savings. The jury thus remains out on the question of whether SSL can deliver its promised environmental benefits, taking into account the costs of unintended consequences, without a concomitant reduction in total global consumption of outdoor ALAN.

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# The Impacts of Light on Crime

## By Soft Lights

It is a common myth that brighter lights mean less crime and better safety. We say “myth” because the research does not prove the myth to be true.

When people speak of “safety”, it is not even understood what this word refers to. Are we speaking of reducing the chance of personal attack from a human? Or an attack from an animal? Does bright light reduce the likelihood of a property crime? Does safety mean that we are less likely to trip over something? Does safety mean that we are less likely to be involved in a car crash? And what about our health? Is it “safe” for our eyes and our circadian rhythm cells to have bright lights shining at night?

When we read the research studies, the general answer is that there is no definitive answer. It is certainly clear that bright lights do not equal more safety just as a rule. In fact, the studies might be showing the opposite to be true, that the general rule might be that brighter lights mean less safety. What we do know is that artificial light at night causes significant health problems to humans and to wildlife. Therefore, the strong negative effects of ALAN on health should be weighed against the minor positive or negative benefits of ALAN on crime or accidents.

We were unable to find many original studies on this topic. If we become aware of additional studies, we will include them into this document at that time.

### Scientific Studies

#### National Institutes of Health

Quote: “We found no convincing evidence for associations between street lighting reductions and road traffic injuries.”

<https://www.ncbi.nlm.nih.gov/books/NBK316511/> (A review of a study in England and Wales)

Quote: “While there was significant statistical heterogeneity in effects estimated at police force level, results overall were suggestive of an association between dimming and reductions in crime, particularly for violent crime.”

<https://jech.bmj.com/content/69/11/1118> (This is different review of the same England and Wales study)

## Additional Articles

Quote: "Although four of these studies found desirable effects from improved lighting, the others did not; a review published by the U.S. Department of Justice of the seven studies undertaken in the 1970s concluded that improved lighting was not an effective means of preventing crime."

<https://cops.usdoj.gov/RIC/Publications/cops-p156-pub.pdf>

Quote: "evidence is mounting that nighttime brightness may do little to stop crime, and in some cases may make it worse."

<https://www.washingtonpost.com/news/wonk/wp/2017/11/02/what-actually-happens-to-crime-when-the-lights-are-on-as-rick-perry-suggests/>

Quote: "It may make us feel safer, but has not been shown to make us safer"

<https://www.darksky.org/light-pollution/lighting-crime-and-safety/>

Quote: "Spaces with warmer colour temperatures are perceived as safer places."

<https://theconversation.com/more-lighting-alone-does-not-create-safer-cities-look-at-what-research-with-young-women-tells-us-113359>

## Untrustworthy Studies

### Urban Labs

The Urban Labs study used 600,000 lumen lights, which equates to human torture. This study was performed in only one impoverished neighborhood, presumably because a rich neighborhood would never tolerate such torture. This study is only listed here to alert the read that this study must be dismissed as useless.

[https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342e666b1ffb1c15be63b484e9b9687b57249dce44ad55ea92b1ec0/lights\\_04242016.pdf](https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342e666b1ffb1c15be63b484e9b9687b57249dce44ad55ea92b1ec0/lights_04242016.pdf)

The Director General

Maisons-Alfort, 5 April 2019

## **OPINION**

### **of the French Agency for Food, Environmental and Occupational Health & Safety**

**on the “effects on human health and the environment (fauna and flora) of systems using  
light-emitting diodes (LEDs)”**

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*ANSES undertakes independent and pluralistic scientific expert assessments.*

*ANSES primarily ensures environmental, occupational and food safety as well as assessing the potential health risks they may entail.*

*It also contributes to the protection of the health and welfare of animals, the protection of plant health and the evaluation of the nutritional characteristics of food.*

*It provides the competent authorities with all necessary information concerning these risks as well as the requisite expertise and scientific and technical support for drafting legislative and statutory provisions and implementing risk management strategies (Article L.1313-1 of the French Public Health Code).*

*Its opinions are published on its website. This opinion is a translation of the original French version. In the event of any discrepancy or ambiguity the French language text dated 5 April 2019 shall prevail.*

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On 19 December 2014, ANSES received a formal request from the Directorate General for Health, Directorate General for Labour, Directorate General for Risk Prevention and Directorate General for Competition, Consumer Affairs and Fraud Control to undertake an expert appraisal assessing the effects on human health and the environment (fauna and flora) of systems using light-emitting diodes (LEDs).

#### **1. BACKGROUND AND PURPOSE OF THE REQUEST**

The objective of the expert appraisal undertaken by ANSES was to update knowledge on the health effects related to exposure to lighting systems using LEDs. The request focused more specifically on assessing the risks associated with exposure to LED systems for the general population and workers, distinguishing between the different types of applications of LED lighting systems and objects (domestic lighting, professional uses, vehicle lights, toys, screens, etc.) and taking into account real situations of exposure. Moreover, a review of the potential environmental risks associated with these systems throughout their life cycle was requested.

Pursuant to Directive 2005/32/EC on the eco-design of energy-using products, known as the “EuP” Directive, the planned withdrawal of incandescent lamps (spread out between 2009 and 2012) and conventional halogen lamps (set for September 2018) from the lighting market has led to a sharp increase in LED lighting systems on the consumer market, thus increasing the population's exposure to lighting systems using this technology. The scope of LED systems has expanded: it now includes not only a large number of applications for professional use, but also applications for public use including displays and signs, as well as certain objects and devices (toys, decorative objects, etc.), backlighting in screens (mobile telephones, tablets, televisions, etc.) and indoor and outdoor lighting.

When publishing its first Opinion on the health effects associated with LEDs (ANSES's collective expert appraisal report published in 2010<sup>1</sup>), the Agency drew attention to the retinal toxicity of blue light. Indeed, LEDs are unique in that they emit light rich in short wavelengths: this is known as blue-rich light. On this occasion, ANSES issued recommendations relating, among other things, to the placing on the market of LEDs and the provision of information to consumers.

The potential health effects associated with exposure to the light emitted by LEDs are now better documented. Since the Opinion issued by the Agency in 2010, new experimental data, obtained in animals in particular, have been published regarding the phototoxicity associated with long-term exposure to blue light. New data have also been published relating to the disruptive effects of blue light on the biological clock, glare, and the health effects associated with temporal light modulation (light-intensity fluctuations in lighting that may be visually perceived depending on frequency). Regarding the possible effects on the environment, there are data that raise questions about potentially induced imbalances in ecosystems, which may have consequences for fauna and flora as well as for humans and human health.

Adding or substituting artificial light to/for natural sunlight raises the issue of the potential health effects this may cause, due to the accumulation or modification of the lighting environment. Over the past few decades, humans have considerably increased their exposure to blue light in the evening with artificial lighting and backlights rich in blue light. Previously, the lighting systems used had tended to be yellow-orange in colour (candles, incandescent lamps).

The update of the expert appraisal considered all of the effects on human health and the environment (fauna and flora) that could be associated with exposure to the light of LED lamps.

## **2. ORGANISATION AND METHODOLOGY OF THE EXPERT APPRAISAL**

This expert appraisal falls within the sphere of competence of the Expert Committee (CES) on “Physical agents, new technologies and development areas”. The Agency mandated a Working Group of experts, entitled “Health effects of LED systems”, to undertake this expert appraisal under the leadership of the CES.

### **Working Group**

The Working Group was formed following a public call for applications issued on 28 April 2015. The experts in this group were selected for their scientific and technical skills in the areas of physics, optical radiation metrology, vision, ophthalmology, chronobiology, biology, the environment and lighting regulations. The Working Group was created in September 2015. It met 25 times in plenary sessions between September 2015 and May 2018.

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<sup>1</sup> <https://www.anses.fr/fr/system/files/AP2008sa0408.pdf>.

## **External contributions**

To make up for the lack of data relating to the characterisation of exposure to LED systems, three studies were financed by the Agency.

### *Characterisation of the artificial lighting systems available on the French market*

First of all, a research and development agreement was drawn up between the Agency and the French National Consumer Institute (INC) in order to conduct an updated comparative study of the technical properties of various lighting systems available on the market.

### *Documentation of exposure to light in populations*

The implementation of a second study was entrusted to the French Scientific and Technical Centre for Building (CSTB), in order to characterise the population's exposure to various artificial lighting and LED systems, in real conditions of exposure. A software program developed to that end enabled light exposure to be assessed for several exposure scenarios (children, workers, elderly people, etc.).

### *Assessment of blue-light protection systems intended for the general public*

A third study was undertaken with the CSTB to assess the blue-light filtration capacities of protective devices intended for the general public (screen filters, treated lenses, blocking glasses, software protection).

## **Collective expert appraisal**

The methodological and scientific aspects of the expert appraisal work were regularly submitted to the CES. The report produced by the Working Group takes account of the observations and additional information discussed with the CES members. This expert appraisal was therefore conducted by a group of experts with complementary skills. It was carried out in accordance with the French Standard NF X 50-110 "Quality in Expertise Activities".

Interests declared by the experts were analysed by ANSES before they were appointed and throughout their work in order to prevent risks of conflicts of interest in relation to the points addressed in the expert appraisal. The experts' declarations of interests have been made public via the ANSES website: <http://www.anses.fr>

## **Expert appraisal methodology**

### *Literature search and analysis*

The collective expert appraisal was mainly based on a critical analysis and summary of the data published in the scientific literature (articles, reports, etc.). The literature search was thus undertaken for the period from January 2010 to July 2017.

The results of the studies financed by ANSES to supplement knowledge of protective devices and exposure to artificial light in populations were taken into account in the expert appraisal.

The Working Group also interviewed external experts and figures, as well as representatives from the lighting industry and environmental protection associations, inviting them to contribute information and data supplementing the data available for the expert appraisal.

### *Assessment of the level of evidence for health effects*

For each studied health effect, the results of the available studies undertaken in humans on the one hand and animals on the other hand were considered separately to characterise the evidence provided regarding the connection between exposure to LED light, in particular blue-rich light, and the occurrence of the health effect. In the end, the evidence for humans and animals was combined in order to establish an overall assessment of the level of evidence for the health effect of exposure to LED light, classifying it into one of the following categories:

- proven effect;
- probable effect;

- possible effect;
- it is not possible to conclude from the available data as to whether or not there is an effect;
- probably no effect.

#### *Characterisation of exposure*

The lack of literature data dealing with the population's exposure to LED technologies led ANSES to finance specific measurement campaigns, in particular to describe the type and quantity of light emitted by LED systems used on a daily basis (e.g. lamps, objects featuring LEDs, vehicle headlamps, and computer, tablet and mobile telephone screens). Exposure to blue-rich light, especially via LED systems, was assessed as part of life scenarios, thanks to measurements taken *in situ* in specific environments.

Table 1 in the Annex summarises the main physical quantities used in particular to quantify emissions and exposure in the area of lighting.

#### *Assessment of risks to human health*

By combining the assessment of the level of evidence for health effects obtained from the analysis of the scientific articles and the data from the exposure scenarios, the expert appraisal sought to characterise the potential risks to humans associated with exposure to systems using LEDs. Thus, the Working Group classified risks of occurrence of health effects in humans into four levels as defined below:

- high risk;
- moderate risk;
- low risk;
- no predictable risk.

The collective expert appraisal report describes the methodology used to assess the level of evidence for the studied effects as well as the qualitative assessment of the related risks.

### **3. ANALYSIS AND CONCLUSIONS OF THE CES**

The Expert Committee on “Physical agents, new technologies and development areas” adopted the collective expert appraisal work and its conclusions and recommendations as described in this summary at its meeting of 23 November 2018 and informed the ANSES General Directorate accordingly.

#### **3.1 Specific characteristics of the light emitted by LED lamps**

The specific characteristics of LEDs are related to the type of radiation emitted on the one hand and to the physical properties of the lamps using this technology on the other hand.

Firstly, the light spectrum emitted by LEDs can be richer in blue light (there are lamps with very high colour temperatures<sup>2</sup> of above 6000 K, supplying extremely blue-rich light) and poorer in red light than most other natural and artificial light sources. The additional blue light in the LED spectrum compared to other light sources (spectral imbalance) raises the issue of the effects of light from LED lamps on the retina (phototoxic effects) and on circadian rhythms and sleep (melanopic effects). The lack of red light in LEDs may also deprive individuals of the potential photoprotective effects of this

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<sup>2</sup> Colour temperature is a way to characterise light sources in comparison with an ideal material emitting light only under the influence of heat. The temperature of the black body whose visual appearance is closest to that of the light source is expressed in Kelvins (a unit of the international system whose symbol is K).



radiation, especially during the physiological emmetropisation<sup>3</sup> process that takes place during childhood.

Secondly, due to their high luminance<sup>4</sup> and small emission areas, LED lights can produce more glare than light emitted by other technologies (incandescent, compact fluorescent, halogen lamps, etc.). This can especially be the case with LED matrices (small LED aggregates on the same base), LED spotlights, vehicle lights and hand-held lamps.

Lastly, LEDs are highly reactive to current fluctuations. Thus, variations in light intensity can appear depending on the quality of the power supply. These phenomena are grouped under the term “temporal light modulation”. Humans can suffer from the negative effects of these variations, whether or not they are visually perceptible.

### 3.2 Changes in regulations and standards since 2010

#### 3.2.1 Regulations and standards relating to the phototoxicity of light

- *Exposure limits*

Regarding exposure to optical radiation and photobiological safety in particular, the International Commission on Non-Ionizing Radiation Protection (ICNIRP) published new guidelines on exposure to visible and infrared optical radiation in 2013 (ICNIRP, 2013)<sup>5</sup>. The blue-light exposure limits, which remained the same as those proposed in 1997, only involved acute exposure (single, continuous exposure for less than eight hours).

- *Regulatory texts governing uses of devices, lighting products and artificial optical radiation applicable to LEDs in particular*

- General population

The European “Low Voltage” Directive (2014/35/EU) aims to ensure that the electrical equipment on the European market meets requirements providing a high level of protection of health and safety. Manufacturers can rely on their products’ compliance with harmonised standards to meet the essential requirements of this directive.

However, portable lighting systems (hand-held lamps, head torches) do not fall within the scope of the Low Voltage Directive. Nevertheless, they use LED sources that can have very high light intensities.

Similarly, for vehicle lighting (exterior lamps), there are no regulations intended to guarantee photobiological safety, for example by limiting the emission intensities of lamps or human exposure.

The case of toys using LEDs is not adequately covered by the European Directive on the safety of toys (2009/48/EC), since it refers, for health-related risks, to the standard on the safety of laser products (IEC 608251-1), which is not suited to LED lighting. This standard also does not consider the fact that the eyes of children are more sensitive to blue light due to a clearer lens.

- Workers

European Directive 2006/25/EC of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (artificial optical radiation - AOR) includes risk related to blue light. For this specific risk, it relies on the ICNIRP guidelines

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<sup>3</sup> Emmetropisation is the process of normal ocular development leading to the formation of a sharp image on the retina.

<sup>4</sup> Luminance is a quantity corresponding to the perceived brightness of an area. A very bright area has high luminance, while a completely black area has zero luminance.

<sup>5</sup> ICNIRP Guidelines on Limits of Exposure to Incoherent Visible and Infrared Radiation, published in: Health Physics 105(1):74-96;2013.

published in 1997. In France, the AOR Directive was transposed into the Labour Code by decree in 2010<sup>6</sup>. A ministerial order from 2016<sup>7</sup> defines risk assessment methods based on European standards relating to human exposure to optical radiation.

- Standards

The standards relating to the assessment of photobiological safety (CIE S009, IEC 62471 and NF EN 62471) refer to the ICNIRP limit values and propose that lamps be classified into risk groups: risk group 0 (no risk), risk group 1 (low risk), risk group 2 (moderate risk) and risk group 3 (high risk). In 2014, a technical report (IEC TR 62778:2014) accompanying the NF EN 62471 standard was published by the International Electrotechnical Commission (IEC). This report describes a method for assessing the photobiological risk group in the case of blue light. It includes several of ANSES's recommendations, in particular a procedure for transferring the risk group of an individual LED to an LED module and a finished product (luminaire), as well as the specification of a minimum viewing distance for people exposed to light sources in risk group 2 or higher.

Since 2015, harmonised lighting standards have included photobiological safety requirements<sup>8</sup> limiting the possible effects of radiation on eyes and skin. A distinction is made between lamps on the one hand and luminaires<sup>9</sup> powered by the electrical grid (non-portable luminaires) on the other hand. Regarding lamps, the requirements consist in limiting the photobiological risk group to level 0 or 1 in accordance with the NF EN 62471 standard. Regarding non-portable luminaires, there are no limits on the risk group; there is merely an obligation to inform consumers in the event of a risk group of 2 or higher<sup>10</sup>.

### 3.2.2. Regulations and standards relating to other health effects

There are currently no specific regulations dealing with effects related to circadian rhythm disruption, glare, or temporal light modulation.

- *Circadian rhythm disruption*

In 2004, the International Commission on Illumination (CIE) published a document, updated in 2009 (CIE, 2009)<sup>11</sup>, defining spectral sensitivity curves for melanopsin<sup>12</sup>-containing retinal ganglion cells.

- *Glare*

The standards relating to glare have not changed since 2010. The lighting industry uses the glare ratings, in particular the Unified Glare Rating (UGR), defined by the CIE. The UGR formula was initially developed for interior luminaires equipped with fluorescent tubes. The validity of extending the use of the UGR to LED lighting systems is questionable. The CIE's 2013 publication, "Review of

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<sup>6</sup> Decree no. 2010-750 of 2 July 2010 concerning the protection of workers from risks due to artificial optical radiation, JORF no. 0153 of 4 July 2010, page 12149, text no. 11.

<sup>7</sup> Ministerial Order of 1 March 2016 concerning methods for assessing risks resulting from occupational exposure to artificial optical radiation, JORF no. 0066 of 18 March 2016, text no. 30.

<sup>8</sup> These requirements are specified in Standard NF EN 62560– Self-ballasted LED-lamps for general lighting services by voltage > 50 V – Safety specifications, and Standard NF EN 60598-1 Luminaires – Part 1: General requirements and tests (general part common to all luminaires).

<sup>9</sup> A luminaire is a combination of a lamp and a decorative element or a combination of several lamps.

<sup>10</sup> For non-portable luminaires belonging to risk group 2, the safety standards (for example, Standard NF EN 60598-1 on general requirements for luminaires) require the labelling of the threshold distance and the following statements: "*the luminaire should be positioned so that prolonged staring into the luminaire at a distance closer than x m is not expected*" and "*do not stare at the light source*".

<sup>11</sup> CIE 158:2009: Ocular Lighting Effects on Human Physiology and Behaviour.

<sup>12</sup> Melanopsin is a photopigment contained in the retina and photosensitive ganglion cells.

Lighting Quality Measures for Interior Lighting with LED Lighting Systems” (CIE 205:2013), concluded that a new assessment system for glare was necessary for LED lighting.

- *Health effects related to temporal light modulation*

Since 2015, most standardisation organisations have produced new standards and technical documents or updated those already existing to describe phenomena involving temporal light modulation. However, there are no European or French regulations limiting the temporal modulation of the light emitted by lamps and luminaires. The regulations on lighting (in terms of eco-design and labelling) are currently being revised by the European Commission; aspects involving temporal light modulation are expected to appear in the text.

### **3.3 Human health risks associated with exposure to LED light**

The human health risks associated with exposure to LED light are mainly due to the spectral composition of the light on the one hand and temporal light modulation on the other hand.

Of the health effects of LEDs, those related to blue light, such as phototoxicity and circadian rhythm disruption, are highly dependent on the exposed person's age. Indeed, the lens acts as a blue-light filter in the eye and its transmittance changes considerably with age. Children are born with a clear lens, letting through all blue light, and reach an optimum filtration rate around the age of 20. A person over the age of 60 has a blue-light filtration rate around twice that of a 20-year-old.

There is a distinction between light sources (or light objects) emitting blue light and objects that have a blue colour. In the first case, the light spectrum received by the eye is (often) enriched with blue light. The amount of light received by the retina in the blue band can be large and have phototoxic effects on the eye and a disruptive effect on biological rhythms. In the second case, the blue colour of the objects and surrounding materials, with conventional lighting, is due to the reflection of part of the spectrum and ends up absorbing some of the light. The intensity of the light source is diminished overall, and the perception of colour can have soothing effects.

#### **3.3.1. Circadian rhythm disruption, sleep disruption, and effects on cognitive performance and vigilance levels**

##### 3.3.1.1 Hazard characterisation

- *Circadian rhythm disruption*

The light received by the retina has two main effects: it enables the formation of images (visual effect) and gives the body an idea of the time of day (non-visual effect). This non-visual effect involves melanopsin-containing retinal ganglion cells (mRGCs) that have specific spectral sensitivity: they are strongly stimulated by blue light, with peak sensitivity around 480 nm. These mRGCs send their messages to the suprachiasmatic nuclei of the hypothalamus, the seat of the central circadian clock. This central clock distributes the message to the rest of the body, in order to synchronise all of its biological functions with the day/night cycle. Thus, the adequate regulation of mRGC activity is essential for keeping the biological rhythms of organisms synchronised with their environment. The “melanopic” wavelength band (turquoise blue, 480-490 nm) is thus related to effects on circadian rhythmicity.

The central biological clock determines the production of a hormone, called melatonin, whose secretion begins in the evening, around two hours before bedtime, and then reaches a peak towards the middle of the night before returning to very low and even undetectable levels in the morning and for the rest of the day. Thus, the daily rhythm of circulating melatonin concentrations is a reliable indicator of the biological clock's activity and disruptions.

The effective synchronisation of the central circadian clock, and thus of the biological functions that depend on it, in particular wake/sleep rhythms, requires high light intensity during the day and total darkness at night. Current lifestyle habits, especially in urban environments, are increasingly tending to disrupt the natural daily light/dark cycle, with time spent indoors during the day (accompanied by

a decrease in light intensity) and exposure to multiple light sources (lighting, screens) in the evening and at night.

There have been many different publications studying the disruption of circadian rhythms related to exposure to light in the evening or at night. The results of several experimental studies conducted in humans, during which people were subjected to blue-rich light from artificial lighting or screens (computers, telephones, tablets, etc.), were consistent and indicated that nocturnal melatonin synthesis was delayed or inhibited even by very low exposure to blue-rich light.

The degree of circadian disruption seems to depend on the light intensity, the time and duration of exposure, and the individual's history of exposure to light during the day. However, a value of around 10-40 lux or lower (a very low level that can be largely exceeded with domestic lighting) is sufficient to observe an impact on the circadian clock (illustrated by the suppression of nocturnal melatonin secretion).

In conclusion, in light of the sufficient evidence provided by studies undertaken in humans, circadian rhythm disruption induced by exposure to blue-rich light during the evening or at night is considered as proven.

Furthermore, experimental studies in animals have demonstrated that circulating melatonin in a mother crosses the placental barrier and enters the foetal circulation, which possesses melatonin receptors. Thus, maternal melatonin can impact foetal development, in particular the establishment of the circadian system. At night, maternal exposure to light modifies melatonin levels and induces a prenatal effect that appears to have consequences lasting into adulthood (effects on circadian rhythms, metabolic effects, etc.). It can reasonably be assumed that in humans, the effects of modern lighting at night on maternal melatonin secretion negatively impact *in utero* foetal development.

The disruption of circadian rhythms is also associated with other health effects<sup>13</sup> (disruption of sleep quality and quantity, metabolic disorders, increased risk of cancer - especially breast cancer, cardiovascular diseases, effects on mental health). However, the direct connection between exposure to blue-rich light in the evening or at night and the occurrence of these health effects, while strongly suspected, has not been proven to date in humans.

- *Sleep disruption*

Most of the available scientific studies show that blue light alters sleep regulation via circadian disruptions. The evidence provided by studies undertaken in humans is sufficient to conclude that exposure to blue-rich light during the evening has a proven effect on sleep onset latency and the duration and quality of sleep.

- *Effects on vigilance levels and cognitive performance*

Several studies have shown that exposure to blue light (from LEDs in particular) in the day or at night improves cognitive performance and enhances vigilance levels. A number of studies have focused on the effects of lighting, especially blue light, on the performance of night workers. The objective has been the short-term optimisation of vigilance and the reduction of sleepiness in order to reduce industrial and traffic accidents and enhance performance and productivity. These are major challenges for modern societies. However, the issue of potential health effects, due to a possible increase in the phototoxicity of light at night, has yet to be defined.

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<sup>13</sup> Assessment of the health risks associated with night work, ANSES collective expert appraisal report, June 2016.

### 3.3.1.2 Characterisation of LED light sources and exposure

Exposure to blue light was studied in the “melanopic” band (turquoise blue, 480-490 nm) for effects on melatonin and circadian rhythms.

The quantity of blue light emitted by an LED object can be estimated based on its colour temperature, expressed in Kelvins (K), and its level of illuminance on a surface, expressed in lux (especially at the plane of the eye).

Measurement campaigns undertaken to describe the type and quantity of light emitted by LED systems showed that light emitted by screens of televisions, computers, mobile telephones or tablets had a low level of illuminance but was rich in blue light. LED computer screens had colour temperatures ranging from 4500 K to 6900 K and illuminance values at the plane of the eye ranging from 20 to 60 lux. For the LED screens of smartphones and electronic tablets, colour temperatures ranged from 4100 K to 7000 K and illuminance values at the plane of the eye from 2 to 10 lux. As for domestic lighting, the LED lamps available on the market can offer colour temperatures ranging from 2500 K (low level of blue light) to 6900 K (very high level of blue light).

Regarding human exposure to blue light in the melanopic band, no data were identified in the scientific literature. The light exposure scenarios developed for this expert appraisal, representing typical living conditions for various populations, showed that exposure in the melanopic band was similar with LED lighting with moderate levels of blue light (colour temperatures ranging from 2700 K to 4000 K), compact fluorescent lamps and halogen lamps. Nevertheless, with life scenarios including “worst case” situations (LEDs with very high levels of blue light, colour temperatures of around 6500 K), exposure in the melanopic band was higher compared with other lighting technologies, regardless of the population in question. Moreover, the use of LED screens and objects is likely to increase exposure to blue light in the melanopic band.

### 3.3.1.3 Health risk assessment

Based on the available data, the risk of circadian rhythm disruption or sleep disruption related to exposure to LEDs cannot be precisely quantified. Nevertheless, in light of the above and based on a qualitative approach, the Working Group's experts consider that the risk of circadian disruption associated with exposure to blue-rich LED lights in the evening or at night is high.

In particular, exposure before bedtime to LED lighting or screens from televisions or communication technologies enriched with blue light is likely to adversely affect sleep duration and quality and impact cognitive functions.

### 3.3.1.4 Susceptible population groups

The available studies have shown even stronger effects of delayed bedtimes, due to the impairment of non-visual functions, in particular melatonin suppression, in children, adolescents and young adults (before the age of 20). An obvious factor is the higher lens clarity of young people, causing more light to pass through than for adults. In addition to the widespread use of devices with LED screens by adolescents, the behavioural, hormonal and circadian changes occurring in this phase of life (increase in the endogenous period of the circadian cycle) are probably also involved.

More generally, several population groups were identified as being more specifically susceptible to the risk of circadian and sleep disruption associated with exposure to LEDs:

- infants, children, adolescents and young adults (due to a clear lens); aphakic (with no lens) and pseudophakic (with an artificial lens) individuals;
- pregnant women (potential health effects on the unborn child);
- night workers<sup>14</sup>;

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<sup>14</sup> Night workers are particularly susceptible since their exposure to LED lighting is potentially high.

- people with ocular diseases or anomalies, and people with sleep disorders.

### 3.3.2 Ocular effects and diseases

#### 3.3.2.1 Hazard characterisation

Phototoxicity is a mechanism of light-induced cellular damage that can lead to cell death. Exposure to intense and acute light is phototoxic since it causes the irreversible loss of retinal cells, which can lead to partial and permanent (scotoma<sup>15</sup>, decrease in visual field, reduced resolution) or total (blindness) vision loss. Chronic exposure to low-intensity phototoxic lights speeds up the ageing of retinal tissues, potentially leading to vision loss and degenerative diseases such as age-related macular degeneration (ARMD).

Regarding the toxic effects of blue-rich light on the eye, the available data show that:

- the retinal phototoxicity of acute (for less than eight hours) exposure to blue-rich light is proven;
- the contribution of chronic (for several years) retinal exposure to blue-rich light to the occurrence of ARMD is proven; since the long-term ocular effects of artificial lighting have not been studied to date, these conclusions are based on epidemiological studies taking into account exposure to sunlight (blue-rich light);
- in addition to the received phototoxic dose, the time of exposure plays a major role. Some experimental studies, currently limited to animals, have demonstrated increased retinal vulnerability to phototoxicity at night, due to a daily photosensitivity rhythm and disruptive effects on the endogenous retinal clock.

Numerous studies have shown that the exposure limits (ELs) selected by ICNIRP for the retinal toxicity of light are not sufficiently protective. Some authors (Hunter *et al.*, 2012)<sup>16</sup> have considered that to be protective, these ELs would need to decrease by a factor of 20. In addition, the expert appraisal provided an opportunity to highlight that these ELs are only proposed for acute exposure (for less than eight hours) and ignore the issue of long-term exposure. The experts also mentioned the existence of new UV-LED systems<sup>17</sup> that may pose phototoxic risks.

Furthermore, the review of the scientific literature on myopia and Sjögren syndrome<sup>18</sup> led to the following conclusions:

- the effect of blue-rich light on myopia is possible (whether positive or negative);
- the effect of blue-rich light on the occurrence of Sjögren syndrome is possible.

#### 3.3.2.2 Characterisation of LED light sources and exposure

Exposure to blue light was studied in the “phototoxic” band (deep blue, 450-470 nm).

The physical measurements taken as part of this expert appraisal showed that some of the tested LED lighting devices (hand-held lamps, head torches, toys and certain vehicle lights - especially dipped-beam headlamps, etc.) emit blue-rich light (devices classified in risk group 2, maximum anticipated exposure duration of less than 100 s, according to the exposure limits defined by

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<sup>15</sup> A break in the field of vision due to insensitive retinal areas.

<sup>16</sup> Hunter, Jennifer J., Jessica I. W. Morgan, William H. Merigan, David H. Sliney, Janet R. Sparrow, and David R. Williams. 2012. The Susceptibility of the Retina to Photochemical Damage from Visible Light. *Progress in Retinal and Eye Research* 31 (1): 28-42.

<sup>17</sup> New generation of LEDs whose blue-light peak is shifted to the ultraviolet region (around 410 nm).

<sup>18</sup> Sjögren syndrome involves lacrimal system dysfunction causing dryness on the surface of the eye (cornea, conjunctiva, etc.). This syndrome is characterised by ocular discomfort with tingling sensations or an impression of a foreign body in the eye.

ICNIRP). Some telephone screens and electronic tablets using LED technology emit fairly low-intensity but systematically blue-rich light. It should also be noted that decorative blue LEDs have emerged on the market and that LEDs are being used in a growing number of applications (e.g. in agricultural lighting systems, to light up aquariums, etc.).

Adding artificial lighting to natural lighting is likely to modify the ocular doses received by the cornea and retina in the phototoxic band (up to a 50% increase). Comparing the contributions of LED lighting systems and other lighting technologies to overall human exposure according to defined scenarios produced the following results:

- in general, LED lighting systems increase the imbalance in wavelengths in favour of blue light compared to red light, in comparison with other lighting systems, at the same colour temperature;
- exposure in the phototoxic band is even higher when colour temperature is high (blue-rich light), regardless of the lighting technology (LED or otherwise).

Regarding the phototoxic dose received by the retina, the results of the examination of exposure scenarios showed that LEDs were only different from other technologies in the “worst case” scenario, in which the LED lighting systems used had very high levels of blue light (high colour temperatures of around 6500 K). Even so, the experts underline that this “worst case” scenario can correspond to the situations of certain people with very low exposure to natural light who are subjected to blue-rich lighting in their workplace (for example, in the winter, it is dark out in the morning when leaving home and in the evening when returning home, and the daytime is spent in an environment lit exclusively by artificial blue-rich lighting).

The Working Group's experts would like to point out the significant commercial development of small bare decorative LEDs emitting blue light (string lights, ambient lighting, etc.). These LEDs can increase exposure in the phototoxic band, even at low luminance levels. Indeed, the photons of blue light have higher energy than the photons associated with longer wavelengths. They can therefore induce photochemical reactions similar to those caused by ultraviolet radiation. Moreover, human visual perception is less sensitive to blue light. High energy levels in blue light can therefore be received by the retina without creating a strong visual sensation. Since this blue-coloured light does not necessarily create glare, it can be stared at over a long period, especially by children.

### 3.3.2.3 Health risk assessment

Based on the available data, the risk of ocular diseases occurring in relation to exposure to LEDs cannot be precisely quantified. However, in light of the above and based on a qualitative approach, the experts consider that the risk of acute toxicity associated with “warm white” (low colour temperature) LEDs for domestic use is low.

It should be noted that lighting devices belonging to risk group 2 (hand-held lamps, head torches, toys and certain vehicle lights) are available on the market. The risk of ocular diseases occurring in relation to exposure to these devices is higher, especially for susceptible population groups. Similarly, objects specifically emitting blue light (e.g. decorative LEDs), even at low intensities, can increase exposure in the phototoxic band.

Due to the lack of data on the chronic effects of low-dose exposure to cool light (screens, for example), the risk level associated with chronic exposure to blue-rich LEDs cannot currently be assessed.

### 3.3.2.4 Susceptible population groups

Regarding the risk of ocular diseases, several susceptible population groups were identified based on the data from the literature:

- infants, children, adolescents and young adults (clear lens); aphakic (no lens) and pseudophakic (artificial lens) individuals;

- people with ocular diseases (dry eye, ARMD, glaucoma, retinopathy, etc.); people with motor or cognitive disorders reducing their avoidance or decision-making capacities in the event of overly intense light; people taking photosensitising medications or exposed to photosensitising pollutants;
- night workers<sup>19</sup> and any other professionals with potentially high exposure to LED lighting (surgeons, dentists, lighting professionals, lighting distributors, performing artists, people working in sport facilities, people working in agri-food facilities using LEDs (greenhouses, aquaculture), etc.).

### 3.3.3 Glare and visual comfort

#### 3.3.3.1 Hazard characterisation

Glare corresponds to viewing conditions in which a person experiences discomfort or is less capable of perceiving details or objects, due to an unfavourable luminance distribution or an extreme contrast. A distinction should be made between disability glare, which reduces the subject's visual capacities and performance, and discomfort glare, which causes the subject to experience a sensation of discomfort but does not cause a decline in visual performance.

Several factors modulate glare-related disability. These include the quantity of light sent into the eye by the source itself as well as the distance from the glare source and the observer's age. However, the spectral composition of light does not modify the disability glare phenomenon.

It appears that the multiple visible point sources in luminaires (LED matrices) considerably increase discomfort. All studies have consistently shown that (1) non-uniform sources produce more glare than uniform sources, even with moderate luminance, and (2) the higher the contrast, the greater the sensation of discomfort. Moreover, since the scattering of light in ocular environments increases with age, discomfort also increases. Regarding both LED sources and "conventional" light sources, colour temperature does not seem to be a determinant of visual comfort. However, at the same colour temperature, the spectral composition and especially the blue-light enrichment of the spectrum has probable consequences on visual discomfort.

The long-term effects of repeated glare are not known to date. Furthermore, there is a high level of inter-individual variability in the general population as to the assessment of glare situations.

#### 3.3.3.2 Characterisation of LED light sources and exposure

Luminance (expressed in  $\text{cd/m}^2$ <sup>20</sup>), measured when directly viewing a light source from a short distance, enables the level of glare potentially produced by that light source to be assessed. The LED lamps tested for this expert appraisal had disparate luminance levels; some of them, especially those in LED spotlights, produced a very high level of glare.

Another aspect of visual comfort is related to colour rendering. The colour rendering index (CRI) represents a light's capacity to faithfully render a colour. A CRI of 100 refers to an optimum light, and it is recognised that a CRI is deemed acceptable above 80. LED lamps do not yet offer the capacities of halogen lamps, which have CRIs close to 100, but their performance is similar to that of compact fluorescent lamps, sometimes with measured CRIs greater than 80. Compared to the context of ANSES's previous expert appraisal published in 2010, LED technology now offers higher-quality colour rendering.

#### 3.3.3.3 Health risk assessment

Based on the available data, the risk of visual discomfort or disability glare related to exposure to LEDs cannot be precisely quantified. However, in light of the above and based on a qualitative approach, the experts consider that certain lighting devices including LEDs (hand-held lamps,

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<sup>19</sup> Night workers are particularly susceptible since their exposure to LED lighting is potentially high.

<sup>20</sup>  $\text{cd/m}^2$ : candela per square metre.



vehicle lights, LED spotlights, LED matrices, etc.) can pose a high risk of glare. Moreover, while certain LED lamps have better colour rendering than they did a few years ago, this can still be improved.

#### 3.3.3.4 Susceptible population groups

Age is a factor aggravating the risk of glare associated with LEDs, both during the day and at night. Deterioration of vision accelerates after the age of 60, at varying rates depending on the individual. The stray light generated around sources increases considerably with age, lowering the perception of object contrast and therefore visual performance.

Subjects with migraine seem to be specifically susceptible to the glare caused by certain irregularities in the spectral distribution of light energy.

### 3.3.4 Skin effects

#### 3.3.4.1 Hazard characterisation

Blue light may have adverse effects on the skin, accelerating ageing and delaying healing processes, whereas exposure to wavelengths of 590 to 700 nm (red light) appears to have opposite effects. The experts conclude that the effect of exposure to blue-rich light on the occurrence of skin diseases is possible.

Moreover, the delayed carcinogenic effect (melanoma induction) induced by blue-light LED phototherapy used for the treatment of neonatal jaundice should be given special attention. Of the five studies undertaken to assess the risk of developing benign or malignant melanocytic lesions following blue-light neonatal phototherapy, three showed an increased number of common or atypical naevi in exposed children.

#### 3.3.4.2 Characterisation of LED light sources and exposure

There are no exposure data specifically dealing with the skin effects of blue-light emissions. Nevertheless, the photobiological risk group provides an idea of the quantity of blue light emitted by LED lighting (see § on the characterisation of exposure for ocular diseases).

#### 3.3.4.3 Health risk assessment

Based on the available data, the potential risks to the skin related to exposure to LEDs cannot be quantified. Based on a qualitative approach and considering the exposure levels associated with the domestic use of LED lighting as well as the limited skin penetration depth of blue-light optical radiation, the experts consider that the risk of skin diseases occurring in relation to exposure to blue light from LEDs is low.

#### 3.3.4.5 Susceptible population groups

The experts identified some potentially susceptible population groups:

- newborns in the event of blue-light LED phototherapy prescribed to treat neonatal jaundice;
- people with certain skin diseases (epithelial lesions, wounds, etc.); these people appear to have an increased risk of skin lesions developing or worsening during exposure to blue light.

### 3.3.5 Other disorders (*migraines, headaches, visual fatigue, accidents, epilepsy attacks*)

#### 3.3.5.1 Hazard characterisation

The temporal modulation of a lighting system is primarily characterised by its modulation frequency and the corresponding modulation rate, expressed as a percentage of the light intensity (values ranging from 0% to 100%). Depending on its frequency, this modulation may or may not be perceptible by the human visual system. Three separate visual effects (conscious perception of modulation) have been described: flicker, the stroboscopic effect and the phantom array effect. Health effects can be directly induced by these visual effects or occur with no conscious perception

of any modulation. The health effects that can result from the conscious or unconscious perception of modulation are epilepsy attacks, traffic accidents, accidents related to the use of machines, migraines, headaches and visual fatigue.

Effects such as headaches, migraines and visual fatigue can be associated with temporal modulation frequencies between 80 and 120 Hz. The related evidence provided by studies is limited for humans.

Phenomena such as the stroboscopic effect (apparent immobility or slowing of a moving object) and the phantom array effect (persistence of an image during a visual saccade) can occur at high modulation frequencies (greater than around 80 Hz). In an industrial or domestic context, it is likely that the stroboscopic effect could affect safety during the use of machines or tools.

Temporal light modulation can also be associated with the triggering of attacks in people with epilepsy. However, the modulation frequencies of the LED lamps and luminaires available on the market are too high to trigger attacks in these individuals. Nevertheless, there is a possibility of attacks being triggered in the population of epileptic subjects during exposure to LED lamps or luminaires with abnormal temporal modulation (defective products or incompatibility with the controller).

Moreover, certain self-contained lighting devices on bicycles (recharged by magnetic induction) are very strongly modulated (100% modulation) at frequencies varying with the cyclist's speed. At certain speeds, the temporal modulations are located around 15 Hz, in the most critical band for the triggering of epilepsy attacks.

In all of these situations, temporal light modulation is associated with visual discomfort and a decrease in visual efficiency, especially at workstations in occupational settings.

#### 3.3.5.2 Characterisation of LED light sources and exposure

Results from the scientific literature dealing with the temporal modulation of LED lamps were aggregated with measurements taken in the context of this expert appraisal; of the 53 tested lamps:

- 18 lamps (around 34%) had very low temporal modulation (of less than 1%);
- 12 lamps (around 23%) had temporal modulation between 1% and 15%, similar to that of halogen and compact fluorescent lamps;
- 14 lamps (around 26%) had modulation between 12% and 70%; their values were significantly higher than those of halogen and compact fluorescent technologies;
- nine lamps (around 17%) had very high modulation, exceeding 70% and even reaching 100%.

It is estimated that around 43% of LED lamps for domestic use have degraded temporal modulation performance (modulation rate greater than 15% at 100 Hz) compared to halogen and compact fluorescent technologies.

The stroboscopic effect is particularly visible with LED lamps and luminaires having high temporal modulation at 100 Hz.

Some LED lamps and luminaires have high enough modulation levels that the phantom array effect is perceptible, especially when driving a car.

#### 3.3.5.3 Health risk assessment

For people with epilepsy, based on the available data, it is not possible to quantify the risk of attacks being triggered in relation to the temporal modulation of an LED lighting system.

Moreover, the experts consider that due to the limited number of exposure data, the risk associated with effects (headaches, migraines, visual fatigue) occurring in the frequency range (80-120 Hz) associated with LED exposure is not known.

Based on the scientific data, it is not possible to conclude as to whether or not the perception of the stroboscopic or phantom array effect has an impact on accidents occurring when handling machines or tools, or on traffic accidents.

#### 3.3.5.4 Susceptible population groups

Studies dealing with the maturation of the visual contrast perception system in humans indicate that maximum temporal contrast sensitivity is reached during adolescence and young adulthood. These are therefore population groups particularly sensitive to modulated light.

Epidemiological studies showing an association between modulated light and the triggering of migraine refer to migraine patients as a population group sensitive to modulated light.

Work undertaken using older-generation fluorescent tubes showed that certain individuals had heightened sensitivity to temporal light modulations at the frequency of 100 Hz. In addition, studies have shown that some individuals visually perceive flicker at 100 Hz.

Thus, with regard to certain health effects related to temporal light modulation, several susceptible population groups were identified:

- regarding headaches, migraine and visual fatigue:
  - children, adolescents and young adults;
  - migraine sufferers;
- regarding the risk of accidents related to the stroboscopic effect or phantom array effect:
  - machine and tool operators and vehicle drivers;
  - people with motor or cognitive disorders reducing their avoidance or decision-making capacities;
  - children, adolescents and young adults;
- regarding the triggering of epilepsy attacks: people with epilepsy.

### 3.4 Effectiveness of protective devices

There are various solutions claiming to reduce or suppress the effects of blue light: these include filters built into computer screens or into the lenses of prescription glasses, as well as programmable lighting systems that modulate the quantity of melanopic light (wavelength of around 480-490 nm) depending on the time of day.

According to the measurements taken for this expert appraisal:

- specific blue-light-blocking glasses were more effective at filtering than treated ophthalmic lenses. However, neither of these two systems was effective enough to be considered as personal protective equipment<sup>21</sup> (PPE) regarding the risk of acute retinal phototoxicity resulting from prolonged exposure to a very high-intensity LED source;
- depending on the tested protective device, the capacity to filter blue radiation in the melanopic band was highly variable: it was very low or even non-existent for treated lenses, despite the claims made by manufacturers and distributors of these products. It cannot be said that this filtration is sufficient to prevent the decrease in melatonin secretion induced by exposure to light in the evening and the related effects of sleep onset delay;
- for the tested screens claiming to limit blue-light emissions, no real effectiveness was observed. However, reducing the colour temperature (switching to warm white) and brightness of the screens was somewhat effective at reducing the quantity of blue light in the spectrum.

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<sup>21</sup> There are currently no standards specifying test methods and performance requirements for PPE with regard to blue light.

### 3.5 Environmental impact of LEDs

#### 3.5.1 Threat to biodiversity

The diversity of the living world is reflected in the wide variety of metabolic, physiological and behavioural responses to light observed in fauna and flora. Thus, what might be an advantage for a given plant or animal species may prove to be a disadvantage for another. Changes in the (daily and annual) biological rhythms, orientation, geographical distribution and migration of species can thus be observed following exposure to artificial light. There can also be indirect effects (in the medium and long term) on these populations and their ecosystems.

Research into the impact on the living world of the light emitted by LEDs at night still heavily relies on that dealing with artificial light in general. Moreover, it still involves a very limited number of species. Regardless of the studied ecosystem, the general long-term trend as observed in the scientific literature appears to be an increase in mortality and a decline in the diversity of the animal and plant species studied in environments lit at night, including by LED lighting systems.

According to the scientific literature, the effects of light at night, especially from LED lighting, on fauna and flora and ecosystems are proven for all of the species studied. Overall, these effects correspond to those of night-time lighting. It is important to distinguish those that could be specifically related to the particular characteristics of LEDs (intensity, spectral composition). These effects are combined with other anthropogenic pressures (chemical pollution, geographical barriers, shrinking habitats, overexploitation, etc.). The continuous extension of human, industrial and leisure activities in addition to physical and chemical nuisances combined with the effects of climate change are all factors that certain animal and plant populations will probably be incapable of coping with, which will speed up the decline in biodiversity. However, data involving the combined action of these multiple disruptive factors are still extremely scarce.

#### 3.5.2 Light pollution

The collective expert appraisal report associated with this summary includes an assessment of the effects of LED deployment (outdoor display and lighting sources in particular) on light pollution. Various aspects have been considered, such as effects on the sky glow, nuisances for humans (intrusive light, light trespass, glare, circadian rhythms) and nuisances for ecosystems and biodiversity.

According to the Working Group's experts, the change in lighting technologies due to LEDs could either increase or reduce light pollution, depending on the choices made for public and indoor lighting, architectural and landscape enhancement, etc. The categories of LED lighting systems that may be responsible for the greatest increases in light pollution are as follows: illuminated signs, billboards and advertising, as well as lighting for commercial, agricultural (including horticultural greenhouses), aquaculture and industrial zones. This also encompasses lighting for outdoor car parks in these zones. In these categories, the trend is towards an increase in the number and intensity of points of light.

Replacing lamps for street lighting and indoor lamps with LEDs could contribute to reducing light pollution, by better targeting areas to be illuminated (and thus limiting diffusion) and modulating the quality (wavelength) and intensity of the light emitted, as enabled by LED technology, provided that the number of points of LED light is not increased compared to the number of replaced points of light.

Despite the results highlighted above, it is difficult to assess the overall impact of the transition from current lighting systems to LEDs on light pollution.

### 3.5.3 Impacts related to the life cycle of LED lamps and luminaires

Several categories of environmental impacts are defined when analysing the life cycle of a product: energy consumption, the amount of hazardous waste produced, the amount of water used, the impact on global warming, toxic effects on human health, etc. The results of the life-cycle analyses (LCAs) undertaken for the analysed light sources show that LED lamps and luminaires have the lowest environmental impacts compared to other lighting technologies. This is due to the higher light efficiency of LED lighting compared to other sources. However, the content of the LCA studies dealing with lamps and luminaires varied, especially in terms of the analysed products and chosen methods (the functional unit, impact categories and life-cycle stages included). Despite major differences in the LCA methods, the analyses generally led to very similar results: the LED use phase was primarily (70% to 99%) responsible for the environmental impacts observed, due to the energy consumption of this technology. Manufacturing was responsible for most of the other impacts.

The CES notes that one limitation of the LCAs was the lack of a methodology for assessing the impacts of light on human health and the environment (fauna and flora).

### Recommendations of the CES

Based on the Working Group's conclusions and recommendations, the CES is issuing the following recommendations aiming to better protect human health (general population and workers) and the environment from effects related to exposure to LED systems. These recommendations are intended to limit harmful effects related to exposure to LEDs by developing information for the general population and in the workplace and by improving the normative and regulatory frameworks governing the use of LEDs. Lastly, the CES highlights the efforts to be made in terms of research.

### Recommendations for the public authorities to protect the population and the environment

The CES recommends developing actions and information regarding:

- the need to limit exposure to blue-rich light (from LEDs and other technologies), by favouring the use of warm-coloured lighting (colour temperature below 3000 K) before going to bed and during the night, especially for certain population groups: children, adolescents and pregnant women (see lists by health effect in Section 3). In particular, the CES recommends not using blue-rich night-lights for infants and children and limiting the exposure of children and adolescents to blue-rich light sources (computer, tablet, mobile telephone screens, etc.) at night and before going to bed;
- the importance of enhancing the light contrast between daytime and night-time by increasing exposure to natural light during the day and limiting exposure to artificial light before bedtime and at night;
- the phototoxic effects of light associated with exposure to certain LED lighting devices (hand-held lamps, head torches, toys, vehicle lights, blue-light decorative string lights) available on the market, especially for the most susceptible population groups such as children;
- the widely varying effectiveness of the protective devices currently proposed with regard to the adverse health effects associated with exposure to LEDs.

In order to protect against the harmful effects of light pollution on humans and their environment, the CES recommends:

- undertaking actions to limit intrusive light in homes and thus reduce the risk of circadian disruption;

- limiting the number of illuminated outdoor facilities, keeping the surface areas of illuminated zones to a minimum, improving control of their directivity and promoting their sound management;
- conducting, wherever lighting is necessary, a study of its impact on the local ecosystem in natural and suburban areas;
- creating protected spaces, without any artificial lighting.

**Recommendations for employers and occupational physicians to protect workers**

- considering the phototoxic effects of blue light and the potential effects of temporal light modulation, the CES reiterates the obligation to limit the exposure of workers to these light sources and inform them of the related hazards;
- moreover, given the effects observed on foetal development in animals related to maternal exposure to light at night, the CES recommends limiting the exposure of pregnant women to light during the night.

**Recommendations regarding the regulatory and normative frameworks with the aim of protecting human health and the environment**

At national level:

the CES recommends enforcing the regulations on the switching-off of interior lighting with exterior emission and the illumination of building façades (Ministerial Order<sup>22</sup> of 25 January 2013 on the nocturnal lighting of non-residential buildings in order to limit light pollution and energy consumption) as well as those on the switching-off of advertising signs (Decree no. 2012-118<sup>23</sup> on outdoor advertising and signs).

At European level:

regarding normative changes to be made, the CES recommends:

- revising the exposure limits for optical radiation proposed by ICNIRP, so as to make them sufficiently protective against phototoxic risks. They should take into account chronic exposure and consider other indicators, especially those relating to infra-clinical toxicity<sup>24</sup>;
- creating an effectiveness index and requiring its labelling on devices providing protection against blue light (accounting for the attenuation rate);
- developing a metrological standard, at European level, specifying conditions for measuring temporal modulation and calculating the related indices;

regarding regulatory changes to be made, the CES recommends:

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<sup>22</sup> "The interior lighting of premises for professional use must be switched off one hour after these premises have been vacated. Building façade lighting must be switched off at 1 am at the latest. Store window lights and window display lights must be switched off at 1 am at the latest or one hour after these premises have been vacated, whichever occurs later".

<sup>23</sup> "Illuminated advertisements must be switched off at night, between 1 am and 6 am, except for airports and urban units with more than 800,000 inhabitants, for which the mayors shall set out the applicable rules. Illuminated signs shall comply with the same rules".

<sup>24</sup> For example, there can be cell death in the retina without this being visible when examining the back of the eye.

- requiring the labelling of the photobiological risk group (assessed according to Standard NF ISO 62471) for domestic lighting as well as for LED objects;
- restricting the sale of LED systems (lamps, luminaires, objects and especially toys) to the general public to those in risk group 1 or lower;
- harmonising the regulatory framework by amending the regulations specific to LED systems other than lamps and luminaires, in order to take into account the photobiological risk, in particular:
  - Directive 2009/48/EC on the safety of toys;
  - UNECE<sup>25</sup> (United Nations Economic Commission for Europe) Regulations R112 and R113 on prescriptions for light sources from vehicles.
- limiting the luminance of vehicle lights (without necessarily reducing the overall flux and therefore the range of vision);
- taking into account, in the regulations, the specific characteristics of bare LED strips and matrices in devices sold to the general public (bare LED aggregates on the same base);
- establishing, at European level, limits for temporal light modulation, in order to limit the biological and health effects associated with the light emitted by LED lamps and luminaires;
- amending the current regulations in order to take into account the risks associated with temporal modulation, in particular:
  - Directive 2006/25/EC of the European Parliament on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (artificial optical radiation);
  - the UNECE regulations, requiring a minimum modulation frequency of around 2 kHz when the lamps (front lamps and rear lamps) of vehicles are used in pulse width modulation<sup>26</sup> (PWM) mode. This recommendation will limit the visibility of the phantom array effect, which is a source of proven visual disturbances;
- introducing the option to automatically lower the colour temperature (switch to warm white) and brightness of mobile telephone and tablet screens before bedtime.

### Research recommendations

While numerous data are available on the health effects of light, especially blue light, the scientific data are still incomplete with regard to the specific effects of LEDs depending on their geometry and spectral quality. Therefore, the CES insists on the need to improve the quantitative assessment of the impact of a general shift to LED technology on human health and the environment.

The CES encourages the implementation and intensification of research into light-induced circadian rhythm disruption and the resulting effects on vigilance, sleep, mood, well-being, cognition and health. Two aspects for which there is still little documentation should particularly be taken into account in humans and diurnal animal models:

- the impact of the maternal light environment on foetal development;

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<sup>25</sup> The UNECE Sustainable Transport Division provides secretariat services to the World Forum for Harmonization of Vehicle Regulations.

<sup>26</sup> PWM mode is a duty-cycle modulation. Light is modulated at a fixed frequency and the change in the duty cycle modifies the average light intensity.

- for children and adolescents, the impact of the light environment, depending on the period (day, night), on biological rhythm synchronisation and health, particularly considering higher light transmission due to a clearer lens and a more open pupil.

Since potentially beneficial effects of a strong light contrast between daytime and night-time have been described in the scientific literature, it will be necessary to:

- confirm the effects of exposure to sufficient daytime light intensities on quality of life, sleep, well-being and health, especially for people with circadian rhythm disorders (elderly subjects, hospitalised patients, people with dementia, etc.);
- improve knowledge of the ability of exposure to blue light in the morning to correct circadian desynchronisation and assess the associated ocular risks;
- for night workers, study the relevance of favouring exposure to certain wavelengths depending on the time of day, to promote vigilance on the one hand and recovery on the other hand while minimising the negative side effects.

The CES recommends improving the assessment of the risk of eye dryness and ocular diseases occurring in relation to exposure to light in the phototoxic range, especially in the long term. Special attention should be paid to certain susceptible population groups (children, adolescents, people with ocular diseases, aphakic individuals, etc.). The CES also recommends studying the factors that may be involved in the phototoxicity of light, such as the time of exposure, the possible associated temporal modulation, and risk factors related to ocular diseases. It would also be advisable to study to what extent phototoxicity results obtained in rodents can be extrapolated to humans.

Since temporal light modulation appears to be a major flaw of certain LEDs and LED systems, the CES recommends improving knowledge of its visual, biological and health effects. In particular, it recommends conducting:

- studies to better identify inter-individual variations in sensitivity to temporal contrasts and better understand the prevalence and incidence of effects related to temporal light modulation in the general population;
- studies enabling the risk of accidents arising from exposure to a stroboscopic effect or phantom array effect to be quantified.

The various health effects of LEDs mentioned above make it necessary to improve the assessment of exposure in populations. The CES recommends taking precise measurements of luminance distribution, spectral energy distributions and temporal modulation for a wide range of LED devices to which the population is exposed.

The CES recommends better taking account of the environmental impact of a general shift to LED technology, by improving knowledge regarding the effects of light pollution on fauna and flora and the ecosystem as a whole.

Lastly, the CES recommends considering the entire life cycle of LEDs, in particular:

- accessing detailed data on the products used in the manufacture of LEDs (raw materials, manufacturing processes) and those released into the air, water and soil during the manufacture of LEDs;
- documenting end-of-life for LEDs: recovery and sorting of used products, recovery of raw materials, recycling of certain LED components, treatment of final waste.



**4. AGENCY CONCLUSIONS AND RECOMMENDATIONS**

ANSES endorses the conclusions and recommendations of its Expert Committee on “Physical agents, new technologies and development areas”, set out in Section 3 of this Opinion.

An initial expert appraisal on the health effects of exposure to LED lamps was published by ANSES in 2010, when this technology was just starting to be deployed on a large scale and other lighting technologies (incandescent in particular) were beginning to be gradually withdrawn from the market at the same time. This expert appraisal had underlined the retinal toxicity of the blue light contained in LED lighting systems and their high capacity for glare.

Long contained mainly in specific applications (signage, electronic objects, etc.), LED technology is increasingly being used in automotive vehicles (lamps, etc.) and has become essential in domestic and public lighting as well as in light objects and screens (telephones, computers, televisions). The artificial light to which the population and its environment are exposed, which was previously rich in yellow-orange shades, is now richer in blue light than it was 10 years ago due to the now predominant use of LEDs in industrial and consumer applications.

This expert appraisal sought to update the state of knowledge since 2010 on the various health effects likely to be associated with exposure to blue-rich light as well as other characteristics of LED lighting. To do so, it used a methodology for assessing the levels of evidence associated with the health effects in question.

Moreover, due to the lack of literature data dealing with the population's exposure to LED technologies, the Agency financed specific measurement campaigns, in particular to describe the type and quantity of light emitted by LED systems used on a daily basis (lamps, objects featuring LEDs, vehicle headlamps, computer, tablet and mobile telephone screens, etc.).

The new scientific data examined corroborated the findings of 2010 relating to phototoxicity and enabled the experts to establish that the retinal phototoxicity of acute exposure to blue-rich light is proven. The long-term contribution of blue-rich light to the occurrence of age-related macular degeneration (ARMD) is also proven.

The Agency confirms that some of the tested lighting devices (hand-held lamps, vehicle lamps, LED spotlights, LED matrices, etc.) can produce high levels of glare.

In 2010, the Agency had suggested the possibility of biological clock disruption induced by exposure to LEDs. The update of the expert appraisal showed that the disruption of circadian rhythms (biological clocks) induced by exposure to blue-rich LED light in the evening or at night is proven. Children and adolescents, exposed from a very early age to screens in particular (tablets, game consoles, mobile telephones, etc.), constitute a particularly susceptible population group.

Regarding the temporal modulation of the light emitted by LEDs, the data examined showed that a high proportion of the tested LED lamps had degraded performance (high temporal modulation). Although the health risks associated with exposure to this modulation have not been determined, some people (children, adolescents, young adults, machine operators and vehicle drivers, etc.) may be more susceptible to the potential health effects of this light modulation: headaches, visual fatigue, risk of accidents, etc.

Regarding the impacts of light on the environment and biodiversity in particular, the available studies show an increase in mortality and a decline in the diversity of the animal and plant species studied in environments lit at night, including by LED lighting systems.

## **The Agency's recommendations**

### Advance knowledge

Regarding the assessment of risks related to exposure to LEDs, ANSES underlines the need to better quantify the risk levels associated with the identified effects. It thus recommends initiating additional research aiming to:

- improve knowledge of exposure for the general population, workers and the environment;
- better characterise the health effects associated with the temporal modulation of the light from LEDs in addition to long-term phototoxicity;
- clarify the exposure-response relationship between exposure and the occurrence of health effects (especially those involving circadian disruption, phototoxicity, etc.).

Lastly, to respond to the potential health effects associated with exposure to LED phototherapy devices, the Agency advises the public authorities to have a risk-benefit assessment of these devices undertaken by a competent organisation.

### Adapt the regulations and improve information

In light of the newly available experimental data concerning phototoxicity mechanisms, ANSES underlines the need to update the exposure limits (ELs) for blue light, especially to take into account the specific situation of children, whose eye lens filters blue light much less efficiently than that of adults and elderly people. These ELs are used to verify the compliance of LED systems with the essential health and safety requirements set out in European directives.

Considering the results of the risk assessment undertaken as part of the collective expert appraisal, ANSES recommends adapting the regulatory framework applicable to LED systems, in order to:

- restrict the sale of LED objects to the general public to those in photobiological risk group 0 or 1;
- limit the light intensity of vehicle lamps, while guaranteeing road safety;
- establish, at European level, limits minimising the temporal modulation of the light emitted by all light sources (lighting systems, screens, LED objects), all while improving the characterisation of the related health effects.

Pending changes to the regulations, ANSES recommends raising awareness in the population and encouraging people, children in particular, to limit their exposure to:

- blue-rich light before bedtime and during the night (LED screens: mobile telephones, tablets, computers, etc.);
- blue-rich lighting, i.e. "cool white" lamps and luminaires, by favouring indirect lighting or using diffusers;
- direct light from LED objects in risk group 2 or higher (hand-held lamps, toys, vehicle lamps, etc.).

ANSES also draws attention to the varying levels of effectiveness of the current devices providing protection against the phototoxicity of blue light (treated lenses, protective glasses, specific screens, etc.). It also notes their lack of significant action on the preservation of circadian rhythms for which, in the case of LED screens, exposure can only be limited by reducing the brightness and colour temperature of screens. It encourages the establishment of standards defining performance criteria for personal protective equipment in relation to blue light.

Regarding the environment and biodiversity, although it is difficult to assess the overall health and

environmental impacts of the transition from current lighting technologies to LEDs, ANSES recommends strengthening the prevention of light pollution. The Agency thus underlines the need to enforce the current regulations and adapt them, in particular by limiting the number of points of light and reducing light pollution, all while taking care to ensure the safety of people.

Dr Roger Genet

**KEYWORDS**

Lumière bleue, LED, éclairage artificiel, phototoxicité, rythmes circadiens, modulation temporelle de la lumière, biodiversité, pollution lumineuse.

*Blue light, LED, artificial lighting, phototoxicity, circadian rhythms, temporal light modulation, biodiversity, light pollution.*

**ANNEX**

**Table 1: Main physical quantities used in the area of lighting**

Quantity	Unit	Description
Luminance ( $L$ )	Candela per square metre ( $\text{cd}/\text{m}^2$ )	Amount of visible light emitted by a light surface or an object, for example the luminance of a computer screen: around $200 \text{ cd}/\text{m}^2$
Illuminance ( $E$ )	Lux ( $\text{lx}$ )	Amount of light received on a surface. For example: 500 lux on a desk
Colour temperature ( $T$ )	Kelvin ( $\text{K}$ )	Specifies the shade of a white light: a “warm” light will have a low temperature (yellowish colour, $T < 3000 \text{ K}$ ), while a “cool” light will have a high temperature (bluish colour, $T > 5000 \text{ K}$ )
Colour rendering index (CRI)	No unit	Ability of a light to faithfully render the colour of objects. A highly faithful light will have a CRI of 100, while a moderate-quality light will have a CRI below 80
Luminous efficacy	Lumens per watt ( $\text{lm}/\text{W}$ )	Defines the energy efficiency of a light source

REPORT OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH

CSAPH Report 2-A-16

Subject: Human and Environmental Effects of Light Emitting Diode (LED) Community Lighting

Presented by: Louis J. Kraus, MD, Chair

Referred to: Reference Committee E  
(Theodore Zanker, MD, Chair)

---

1 INTRODUCTION

2  
3 With the advent of highly efficient and bright light emitting diode (LED) lighting, strong economic  
4 arguments exist to overhaul the street lighting of U.S. roadways.<sup>1-3</sup> Valid and compelling reasons  
5 driving the conversion from conventional lighting include the inherent energy efficiency and longer  
6 lamp life of LED lighting, leading to savings in energy use and reduced operating costs, including  
7 taxes and maintenance, as well as lower air pollution burden from reduced reliance on fossil-based  
8 carbon fuels.

9  
10 Not all LED light is optimal, however, when used as street lighting. Improper design of the lighting  
11 fixture can result in glare, creating a road hazard condition.<sup>4,5</sup> LED lighting also is available in  
12 various color correlated temperatures. Many early designs of white LED lighting generated a color  
13 spectrum with excessive blue wavelength. This feature further contributes to disability glare, i.e.,  
14 visual impairment due to stray light, as blue wavelengths are associated with more scattering in the  
15 human eye, and sufficiently intense blue spectrum damages retinas.<sup>6,7</sup> The excessive blue spectrum  
16 also is environmentally disruptive for many nocturnal species. Accordingly, significant human and  
17 environmental concerns are associated with short wavelength (blue) LED emission. Currently,  
18 approximately 10% of existing U.S. street lighting has been converted to solid state LED  
19 technology, with efforts underway to accelerate this conversion. The Council is undertaking this  
20 report to assist in advising communities on selecting among LED lighting options in order to  
21 minimize potentially harmful human health and environmental effects.

22  
23 METHODS

24  
25 English language reports published between 2005 and 2016 were selected from a search of the  
26 PubMed and Google Scholar databases using the MeSH terms “light,” “lighting methods,”  
27 “color,” “photoc stimulation,” and “adverse effects,” in combination with “circadian  
28 rhythm/physiology/radiation effects,” “radiation dosage/effects,” “sleep/physiology,” “ecosystem,”  
29 “environment,” and “environmental monitoring.” Additional searches using the text terms “LED”  
30 and “community,” “street,” and “roadway lighting” were conducted. Additional information and  
31 perspective were supplied by recognized experts in the field.

32  
33 ADVANTAGES AND DISADVANTAGES OF LED STREET LIGHTS

34  
35 The main reason for converting to LED street lighting is energy efficiency; LED lighting can  
36 reduce energy consumption by up to 50% compared with conventional high pressure sodium (HPS)

1 lighting. LED lighting has no warm up requirement with a rapid “turn on and off” at full intensity.  
2 In the event of a power outage, LED lights can turn on instantly when power is restored, as  
3 opposed to sodium-based lighting requiring prolonged warm up periods. LED lighting also has the  
4 inherent capability to be dimmed or tuned, so that during off peak usage times (e.g., 1 to 5 AM),  
5 further energy savings can be achieved by reducing illumination levels. LED lighting also has a  
6 much longer lifetime (15 to 20 years, or 50,000 hours), reducing maintenance costs by decreasing  
7 the frequency of fixture or bulb replacement. That lifespan exceeds that of conventional HPS  
8 lighting by 2-4 times. Also, LED lighting has no mercury or lead, and does not release any toxic  
9 substances if damaged, unlike mercury or HPS lighting. The light output is very consistent across  
10 cold or warm temperature gradients. LED lights also do not require any internal reflectors or glass  
11 covers, allowing higher efficiency as well, if designed properly.<sup>8,9</sup>  
12

13 Despite the benefits of LED lighting, some potential disadvantages are apparent. The initial cost is  
14 higher than conventional lighting; several years of energy savings may be required to recoup that  
15 initial expense.<sup>10</sup> The spectral characteristics of LED lighting also can be problematic. LED  
16 lighting is inherently narrow bandwidth, with "white" being obtained by adding phosphor coating  
17 layers to a high energy (such as blue) LED. These phosphor layers can wear with time leading to a  
18 higher spectral response than was designed or intended. Manufacturers address this problem with  
19 more resistant coatings, blocking filters, or use of lower color temperature LEDs. With proper  
20 design, higher spectral responses can be minimized. LED lighting does not tend to abruptly “burn  
21 out,” rather it dims slowly over many years. An LED fixture generally needs to be replaced after it  
22 has dimmed by 30% from initial specifications, usually after about 15 to 20 years.<sup>1,11</sup>  
23

24 Depending on the design, a large amount blue light is emitted from some LEDs that appear white  
25 to the naked eye. The excess blue and green emissions from some LEDs lead to increased light  
26 pollution, as these wavelengths scatter more within the eye and have detrimental environmental  
27 and glare effects. LED’s light emissions are characterized by their correlated color temperature  
28 (CCT) index.<sup>12,13</sup> The first generation of LED outdoor lighting and units that are still widely being  
29 installed are “4000K” LED units. This nomenclature (Kelvin scale) reflects the equivalent color of  
30 a heated metal object to that temperature. The LEDs are cool to the touch and the nomenclature has  
31 nothing to do with the operating temperature of the LED itself. By comparison, the CCT associated  
32 with daylight light levels is equivalent to 6500K, and high pressure sodium lighting (the current  
33 standard) has a CCT of 2100K. Twenty-nine percent of the spectrum of 4000K LED lighting is  
34 emitted as blue light, which the human eye perceives as a harsh white color. Due to the point-  
35 source nature of LED lighting, studies have shown that this intense blue point source leads to  
36 discomfort and disability glare.<sup>14</sup>  
37

38 More recently engineered LED lighting is now available at 3000K or lower. At 3000K, the human  
39 eye still perceives the light as “white,” but it is slightly warmer in tone, and has about 21% of its  
40 emission in the blue-appearing part of the spectrum. This emission is still very blue for the  
41 nighttime environment, but is a significant improvement over the 4000K lighting because it  
42 reduces discomfort and disability glare. Because of different coatings, the energy efficiency of  
43 3000K lighting is only 3% less than 4000K, but the light is more pleasing to humans and has less  
44 of an impact on wildlife.  
45

#### 46 *Glare*

47

48 Disability glare is defined by the Department of Transportation (DOT) as the following:  
49

50 “Disability glare occurs when the introduction of stray light into the eye reduces the ability to  
51 resolve spatial detail. It is an objective impairment in visual performance.”

1 Classic models of this type of glare attribute the deleterious effects to intraocular light scatter in the  
2 eye. Scattering produces a veiling luminance over the retina, which effectively reduces the contrast  
3 of stimulus images formed on the retina. The disabling effect of the veiling luminance has serious  
4 implications for nighttime driving visibility.<sup>15</sup>

5  
6 Although LED lighting is cost efficient and inherently directional, it paradoxically can lead to  
7 worse glare than conventional lighting. This glare can be greatly minimized by proper lighting  
8 design and engineering. Glare can be magnified by improper color temperature of the LED, such as  
9 blue-rich LED lighting. LEDs are very intense point sources that cause vision discomfort when  
10 viewed by the human eye, especially by older drivers. This effect is magnified by higher color  
11 temperature LEDs, because blue light scatters more within the human eye, leading to increased  
12 disability glare.<sup>16</sup>

13  
14 In addition to disability glare and its impact on drivers, many residents are unhappy with bright  
15 LED lights. In many localities where 4000K and higher lighting has been installed, community  
16 complaints of glare and a “prison atmosphere” by the high intensity blue-rich lighting are common.  
17 Residents in Seattle, WA have demanded shielding, complaining they need heavy drapes to be  
18 comfortable in their own homes at night.<sup>17</sup> Residents in Davis, CA demanded and succeeded in  
19 getting a complete replacement of the originally installed 4000K LED lights with the 3000K  
20 version throughout the town at great expense.<sup>18</sup> In Cambridge, MA, 4000K lighting with dimming  
21 controls was installed to mitigate the harsh blue-rich lighting late at night. Even in places with a  
22 high level of ambient nighttime lighting, such as Queens in New York City, many complaints were  
23 made about the harshness and glare from 4000K lighting.<sup>19</sup> In contrast, 3000K lighting has been  
24 much better received by citizens in general.

### 25 26 *Unshielded LED Lighting*

27  
28 Unshielded LED lighting causes significant discomfort from glare. A French government report  
29 published in 2013 stated that due to the point source nature of LED lighting, the luminance level of  
30 unshielded LED lighting is sufficiently high to cause visual discomfort regardless of the position,  
31 as long as it is in the field of vision. As the emission surfaces of LEDs are highly concentrated  
32 point sources, the luminance of each individual source easily exceeds the level of visual  
33 discomfort, in some cases by a factor of 1000.<sup>17</sup>

34  
35 Discomfort and disability glare can decrease visual acuity, decreasing safety and creating a road  
36 hazard. Various testing measures have been devised to determine and quantify the level of glare  
37 and vision impairment by poorly designed LED lighting.<sup>20</sup> Lighting installations are typically  
38 tested by measuring foot-candles per square meter on the ground. This is useful for determining the  
39 efficiency and evenness of lighting installations. This method, however, does not take into account  
40 the human biological response to the point source. It is well known that unshielded light sources  
41 cause pupillary constriction, leading to worse nighttime vision between lighting fixtures and  
42 causing a “veil of illuminance” beyond the lighting fixture. This leads to worse vision than if the  
43 light never existed at all, defeating the purpose of the lighting fixture. Ideally LED lighting  
44 installations should be tested in real life scenarios with effects on visual acuity evaluated in order to  
45 ascertain the best designs for public safety.

### 46 47 *Proper Shielding*

48  
49 With any LED lighting, proper attention should be paid to the design and engineering features.  
50 LED lighting is inherently a bright point source and can cause eye fatigue and disability glare if it  
51 is allowed to directly shine into human eyes from roadway lighting. This is mitigated by proper

1 design, shielding and installation ensuring that no light shines above 80 degrees from the  
2 horizontal. Proper shielding also should be used to prevent light trespass into homes alongside the  
3 road, a common cause of citizen complaints. Unlike current HPS street lighting, LEDs have the  
4 ability to be controlled electronically and dimmed from a central location. Providing this additional  
5 control increases the installation cost, but may be worthwhile because it increases long term energy  
6 savings and minimizes detrimental human and environmental lighting effects. In environmentally  
7 sensitive or rural areas where wildlife can be especially affected (e.g., near national parks or bio-  
8 rich zones where nocturnal animals need such protection), strong consideration should be made for  
9 lower emission LEDs (e.g., 3000K or lower lighting with effective shielding). Strong consideration  
10 also should be given to the use of filters to block blue wavelengths (as used in Hawaii), or to the  
11 use of inherent amber LEDs, such as those deployed in Quebec. Blue light scatters more widely  
12 (the reason the daytime sky is “blue”), and unshielded blue-rich lighting that travels along the  
13 horizontal plane increases glare and dramatically increases the nighttime sky glow caused by  
14 excessive light pollution.

#### 15 16 POTENTIAL HEALTH EFFECTS OF “WHITE” LED STREET LIGHTING

17  
18 Much has been learned over the past decade about the potential adverse health effects of electric  
19 light exposure, particularly at night.<sup>21-25</sup> The core concern is disruption of circadian rhythmicity.  
20 With waning ambient light, and in the absence of electric lighting, humans begin the transition to  
21 nighttime physiology at about dusk; melatonin blood concentrations rise, body temperature drops,  
22 sleepiness grows, and hunger abates, along with several other responses.

23  
24 A number of controlled laboratory studies have shown delays in the normal transition to nighttime  
25 physiology from evening exposure to tablet computer screens, backlit e-readers, and room light  
26 typical of residential settings.<sup>26-28</sup> These effects are wavelength and intensity dependent,  
27 implicating bright, short wavelength (blue) electric light sources as disrupting transition. These  
28 effects are not seen with dimmer, longer wavelength light (as from wood fires or low wattage  
29 incandescent bulbs). In human studies, a short-term detriment in sleep quality has been observed  
30 after exposure to short wavelength light before bedtime. Although data are still emerging, some  
31 evidence supports a long-term increase in the risk for cancer, diabetes, cardiovascular disease and  
32 obesity from chronic sleep disruption or shiftwork and associated with exposure to brighter light  
33 sources in the evening or night.<sup>25,29</sup>

34  
35 Electric lights differ in terms of their circadian impact.<sup>30</sup> Understanding the neuroscience of  
36 circadian light perception can help optimize the design of electric lighting to minimize circadian  
37 disruption and improve visual effectiveness. White LED streetlights are currently being marketed  
38 to cities and towns throughout the country in the name of energy efficiency and long term cost  
39 savings, but such lights have a spectrum containing a strong spike at the wavelength that most  
40 effectively suppresses melatonin during the night. It is estimated that a “white” LED lamp is at  
41 least 5 times more powerful in influencing circadian physiology than a high pressure sodium light  
42 based on melatonin suppression.<sup>31</sup> Recent large surveys found that brighter residential nighttime  
43 lighting is associated with reduced sleep time, dissatisfaction with sleep quality, nighttime  
44 awakenings, excessive sleepiness, impaired daytime functioning, and obesity.<sup>29,32</sup> Thus, white LED  
45 street lighting patterns also could contribute to the risk of chronic disease in the populations of  
46 cities in which they have been installed. Measurements at street level from white LED street lamps  
47 are needed to more accurately assess the potential circadian impact of evening/nighttime exposure  
48 to these lights.



1 ENVIRONMENTAL EFFECTS OF LED LIGHTING

2  
3 The detrimental effects of inefficient lighting are not limited to humans; 60% of animals are  
4 nocturnal and are potentially adversely affected by exposure to nighttime electrical lighting. Many  
5 birds navigate by the moon and star reflections at night; excessive nighttime lighting can lead to  
6 reflections on glass high rise towers and other objects, leading to confusion, collisions and  
7 death.<sup>33</sup> Many insects need a dark environment to procreate, the most obvious example being  
8 lightning bugs that cannot “see” each other when light pollution is pronounced. Other  
9 environmentally beneficial insects are attracted to blue-rich lighting, circling under them until they  
10 are exhausted and die.<sup>34,35</sup> Unshielded lighting on beach areas has led to a massive drop in turtle  
11 populations as hatchlings are disoriented by electrical light and sky glow, preventing them from  
12 reaching the water safely.<sup>35-37</sup> Excessive outdoor lighting diverts the hatchlings inland to their  
13 demise. Even bridge lighting that is “too blue” has been shown to inhibit upstream migration of  
14 certain fish species such as salmon returning to spawn. One such overly lit bridge in Washington  
15 State now is shut off during salmon spawning season.

16  
17 Recognizing the detrimental effects of light pollution on nocturnal species, U.S. national parks  
18 have adopted best lighting practices and now require minimal and shielded lighting. Light pollution  
19 along the borders of national parks leads to detrimental effects on the local bio-environment. For  
20 example, the glow of Miami, FL extends throughout the Everglades National Park. Proper  
21 shielding and proper color temperature of the lighting installations can greatly minimize these types  
22 of harmful effects on our environment.

23  
24 CONCLUSION

25  
26 Current AMA Policy supports efforts to reduce light pollution. Specific to street lighting, Policy H-  
27 135.932 supports the implementation of technologies to reduce glare from roadway lighting. Thus,  
28 the Council recommends that communities considering conversion to energy efficient LED street  
29 lighting use lower CCT lights that will minimize potential health and environmental effects. The  
30 Council previously reviewed the adverse health effects of nighttime lighting, and concluded that  
31 pervasive use of nighttime lighting disrupts various biological processes, creating potentially  
32 harmful health effects related to disability glare and sleep disturbance.<sup>25</sup>

33  
34 RECOMMENDATIONS

35  
36 The Council on Science and Public Health recommends that the following statements be adopted,  
37 and the remainder of the report filed.

- 38  
39 1. That our American Medical Association (AMA) support the proper conversion to community-  
40 based Light Emitting Diode (LED) lighting, which reduces energy consumption and decreases  
41 the use of fossil fuels. (New HOD Policy)  
42  
43 2. That our AMA encourage minimizing and controlling blue-rich environmental lighting by  
44 using the lowest emission of blue light possible to reduce glare. (New HOD Policy)  
45  
46 3. That our AMA encourage the use of 3000K or lower lighting for outdoor installations such as  
47 roadways. All LED lighting should be properly shielded to minimize glare and detrimental  
48 human and environmental effects, and consideration should be given to utilize the ability of  
49 LED lighting to be dimmed for off-peak time periods. (New HOD Policy)

Fiscal Note: Less than \$500

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Dear City Council,

The level of awareness of the dangerous of high color temperature, undiffused LED light has increased significantly in the past few years as LED lights have inundated our world. Legally, once a government entity has a reasonable suspicion about a danger, the government is obligated to investigate and take corrective action. Law firms across the country are now seizing on the information about the dangers of high energy, blue wavelength light and assessing the information for litigation.

Below is an image from an LED street light conversion on Burnt Store Road in Florida. This unconscionable lighting was installed directly over burrowing owl habitat. The 5000K LED lights with no shielding are damaging people's eyes and destroying the ecosystem.



In contrast, below is a photo from a recent conversion in the city of Seattle.



This is a 2700K LED street light that is shielded and diffused. Notice how there is very little glare, but plenty of illumination.

Unshielded, 3000K/4000K/5000K LED lights are harsh, cause eye damage and psychological anguish, and lead to increases in cancer and diabetes. 3000K/4000K/5000K LED lights are inappropriate and dangerous. The American Medical Association studied this carefully and released their report in 2016 setting a maximum color temperature of 3000K. Since the release of that report, numerous additional studies have shown that blue wavelength light is dangerous for human eyes, human health and especially the health of our wildlife and ecosystem. The AMA now recommends using as low a color temperature as possible. 2200K is a typical safe value.

A recent successful lawsuit by the Hawaii Wildlife Fund illustrates the seriousness of the issue. <https://earthjustice.org/news/press/2020/maui-county-illegally-circumvented-environmental-review-for-led-streetlights-project>

Here is an article about a human-safe, turtle-safe lighting project in Gulf Shores, Alabama: <https://www.ledsmagazine.com/lighting-health-wellbeing/article/14175583/sea-turtles-thrive-with-amber-led-lighting-and-dark-sky-advocates-rejoice>

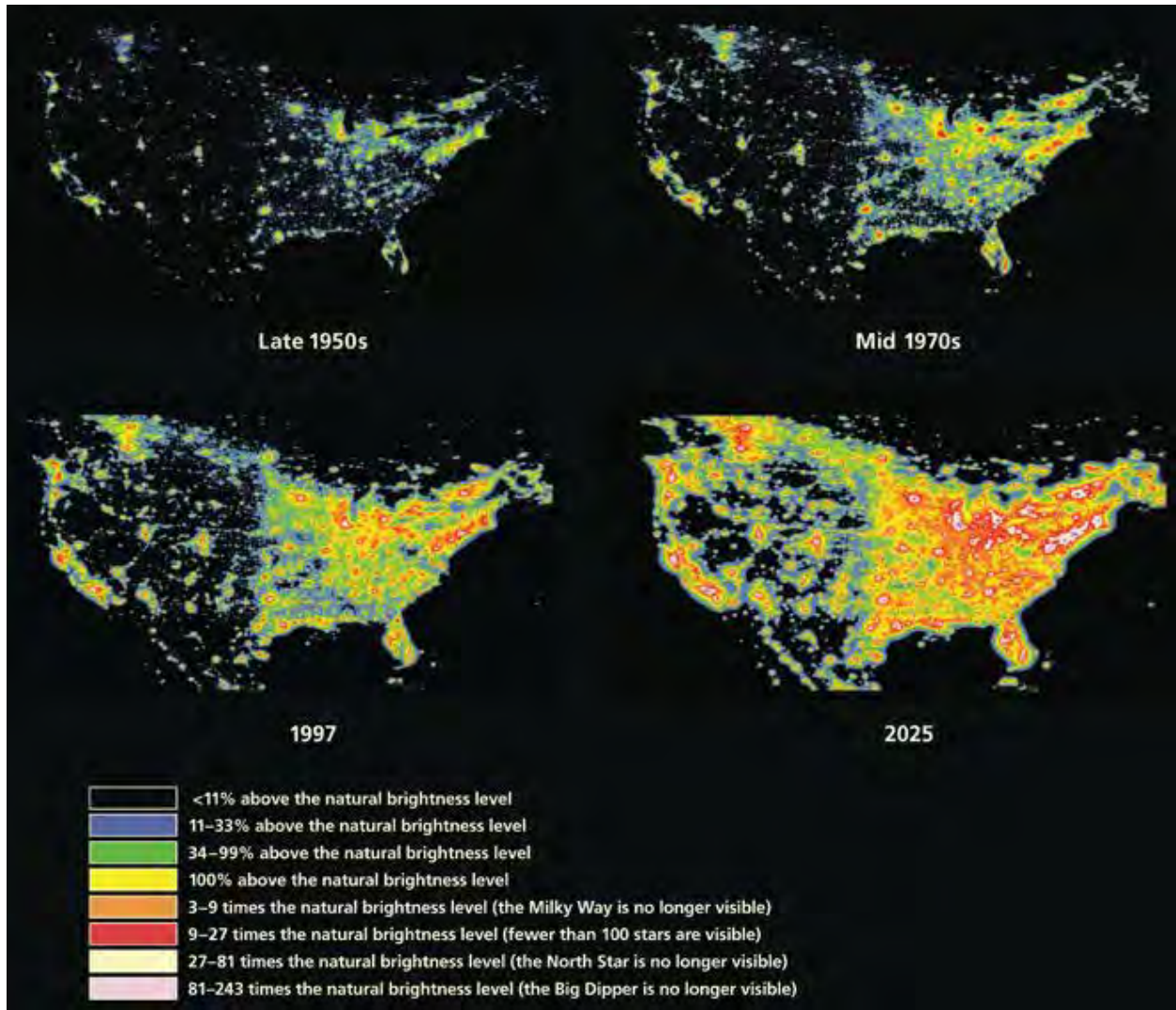
Another concern is for those with light sensitivity disabilities such as autism, highly sensitive persons, migraine sufferers, lupus, PTSD, and photophobia. This class of persons is protected by the Americans with Disabilities Act and high color temperature lights can cause significant harm to them. Any lighting changes by the city must accommodate the needs of the light sensitive disabled. 2700K or less color temperature, non-strobing, non-flickering lights are most likely to be safe for this group.

We would like to take this opportunity to inform you about the issue of LED lights and light pollution. Here is a sample photo of a high glare LED light shining directly into our eyes that steals our vision, causes us pain, wastes energy, and makes us feel unsafe.



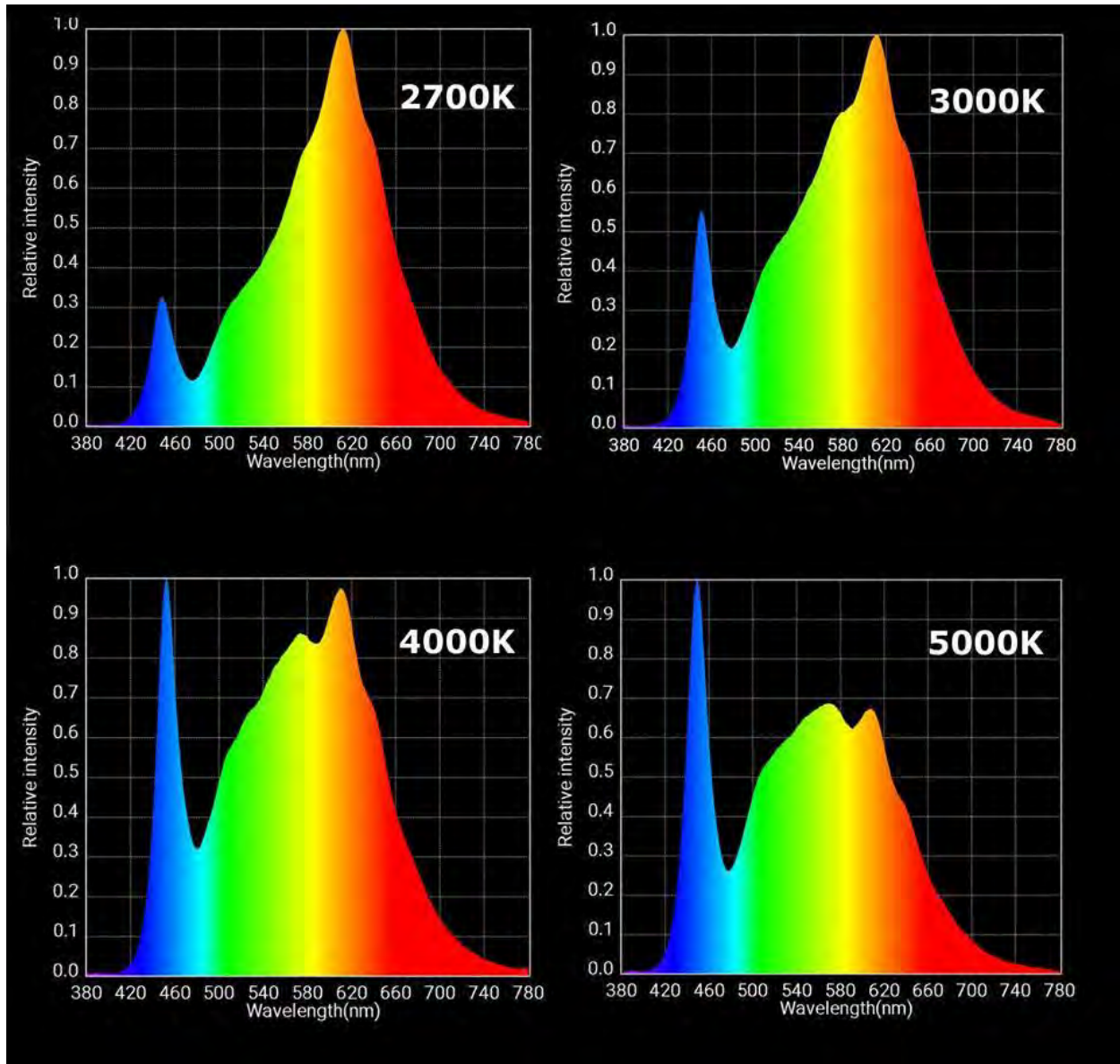
A single LED light can save energy, but there is also a significant downside to using LED. We would like to provide information to help your council make wise outdoor lighting decisions.

Light pollution is increasing across the world at an unsustainable rate of 2% per year. This is having a devastating effect on our ecosystem, wildlife, and human health. We need to be taking strong measures to reduce how much light we are introducing into our nighttime environment.



LED lights have a large spike of blue wavelength light. As you can see in the chart below, the first step to making LED lights human safe is to use a color temperature of 2700K or less.





Many studies have already shown the dangers of blue light at night, including increased risk of cancer. This is now well-known science. Here are two examples:

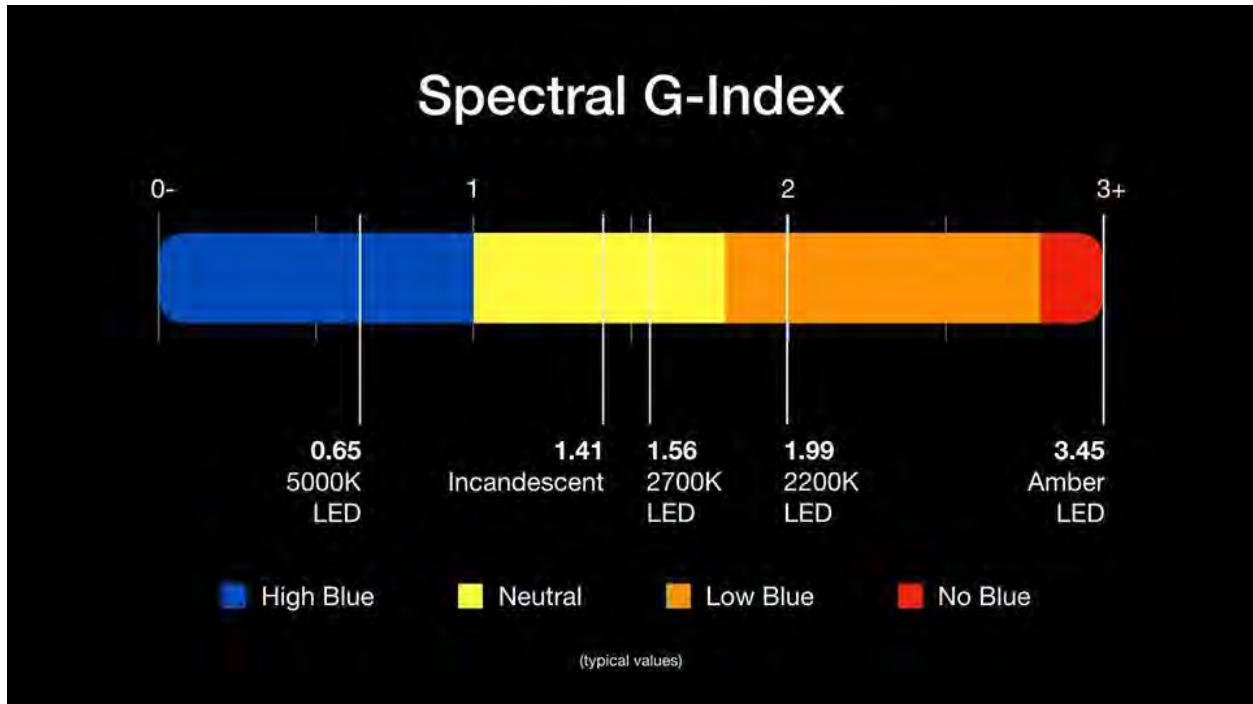
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3002207/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4734149/>

Here is a database containing hundreds of abstracts of research articles about the dangers of LED lights. <http://alandb.darksky.org/>

The graphic below can be used to help understand what color temperatures are safe. Essentially, anything to the left of G-Index 1.56 (+/- .15) starts to become uncomfortable and painful due to too much blue and too much glare. Anything to the

right of 1.56 (+/- .15) is comfortable for most people. For human health and ecosystem health, the farther right the better.



We make the following recommendations:

1) The first task is for the council to set a city-wide light pollution maximum of Class 3 or better on the Bortle scale. This goal should take 5 years or maybe even 8 years but set a hard deadline. By setting the overall light pollution maximum into place, everything else about lighting will make a lot more sense to all your stakeholders.



2) Set 1700K as the standard color temperature for outdoor lights. 2200K is acceptable for residential neighborhoods. Possibly use 2700K in limited business districts, but never exceed this amount because that blue spike is uncomfortable and painful for too many people. Studies have shown that bright white LED lights make our environment less safe than low glare, low color temperature lights.

3) Use the lowest possible lumens for brightness. Human eyes are extremely sensitive. There will be no loss of safety by keeping the lights dim.

4) Ensure that all outdoor lights are shielded and diffused. Light should not be directly into our eyes or wasted up into the sky. Bare diode LEDs are too dangerous for human eyes.

5) Have your lighting vendor write into their contract that they are using high quality driver electronics that do not cause sub-sensory flicker. Using high quality drivers will also reduce failure rates and long-term costs.

6) Cars now have Automated Braking Systems and by 2022, all new cars will have this system. Using 1700K to 2700K streetlights will reduce glare which will help both humans and automated systems. Also, since cars are now safer driving themselves, it's

time to start the process of removing tall street light poles altogether. We no longer need to light the roadway where cars travel. We only need a small amount of light for pedestrian walkways and bike paths.

7) Strobing LED lights such as on stop signs, police cars and utility trucks cause psychological torment and unsafe distractions. Research has shown that randomly strobing lights endanger first responders and the public. High intensity, high glare, randomly strobing LED lights should be banned. Here are two examples.

Stop Sign: <https://youtu.be/33ukzccm9gc>

Utility Truck: <https://www.youtube.com/watch?v=ma0hGwHivO4>

8) Ban non-essential LED billboards. LED Billboards are a significant safety distraction and cause of light pollution. Cities that allow LED billboards are liable for the accidents they cause.

Thank you for taking time to read through this information and thank you for taking action to protect human health and the health of our ecosystem.

May 28, 2020

## Cancer Risk Increase from Blue Wavelength Light

Studies have shown that the risk of cancer, especially breast and prostate cancers, is greatly increased by exposure to blue wavelength light at night.

The following research studies investigate the issue of cancer increase from blue wavelength light.

### **Quote:**

“Artificial light at night is significantly correlated for all forms of cancer as well as lung, breast, colorectal, and prostate cancers individually. Immediate measures should be taken to limit artificial light at night in the main cities around the world and also inside houses.”

Evaluating the Association between Artificial Light-at-Night Exposure and Breast and Prostate Cancer Risk in Spain (MCC-Spain Study)

<https://ehp.niehs.nih.gov/doi/10.1289/ehp1837>

Outdoor Light at Night and Breast Cancer Incidence in the Nurses' Health Study II

<https://ehp.niehs.nih.gov/doi/10.1289/ehp935>

Artificial Light at Night and Cancer: Global Study

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5454613/>

Additional articles on the topic.

Evidence Supports Link Between Breast Cancer, Light Exposure at Night

<https://today.uconn.edu/2017/08/evidence-supports-link-breast-cancer-light-exposure-night/>

Blue light's link to prostate and breast cancers

<https://www.aoa.org/news/clinical-eye-care/blue-lights-link-to-prostate-and-breast-cancers>

**From:** [Emma Ballinger](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Please do not approve Tioga Inn Project as proposed  
**Date:** Thursday, June 25, 2020 3:54:13 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors,

Although I do not live in Mono County, my family, friends, and I are frequent visitors... having returned regularly for generations. I also live in a small town, having moved from other areas that have been adversely impacted by development.

You have a unique opportunity to shape Lee Vining and Mono County for generations to come.

Lee Vining and Mono County deserve better than the Tioga Inn Project as proposed. The developer has run roughshod over the Mono Basin Community Plan, which has already identified local needs for workforce housing, appropriate affordable housing, and a local, sustainable economy, and has viable pathways for successful growth in Lee Vining, while the proposed development would emerge as isolated from the current community, yet parasitically feeding off its schools, public health, and first responder/fire department needs. This kind of development creates permanent barriers for integration with the community, suppressing and overwhelming the local community's economy... and there is nothing that mitigates the harm that will occur to local residents.

So much has been learned about adverse impacts of wealthy developers coming in and displacing, rather than improving local conditions, for local residents. You have a chance to direct the integration of development with a long term sustainable economy, raising the overall quality of life, as well as implementing environmental protections for this very scenic area. It is tempting to grab the money, and not understand the long term costs of doing so. However, even the immediate impacts on existing infrastructure are negative, and do not require further research, or waiting and bemoaning the problems after the fact.

You have the power... but with power comes responsibility... and as Mono County Supervisors you have the power to control how development is implemented. There is already a plan for development in place, developed through coordination and input of local residents, based on sound community development principles... so hold the Tioga Inn project accountable to that already developed, adopted, and accepted plan. Development can be beneficial, and is needed... but it shouldn't displace or burden the local community's voice, just because a lot of money is being dangled in front of you.

Personally, I am heartened by the recent arrest of [Los Angeles City Councilman Jose Huizar](#) regarding pay-for-play schemes involving multiple real estate developers, illicit

cash payments and political donations, more than a dozen gambling trips to places like Las Vegas and Australia, and other bribes that were given in exchange for city approval and entitlements on major or otherwise contentious projects. When local voices, and locally developed plans are ignored, and unwanted, poorly integrated development is approved, it can be a sign that a closer look is needed regarding corruption. I'm not making an accusation, but what is the motivation to ignore all the work already done, the plan already approved, when local objections are so clearly articulated?

Development can integrate with the existing community, from sidewalks, to roadways, to environmental concerns, housing, etc. This is a chance to address the concerns of the people of Lee Vining... and insist on plans that address these issues, that mitigate foreseeable negative impact, and that integrate with the goals of community development that are already discussed and in place. As Supervisors, it is your job to make sure these things are done, and that you are not hypnotized by current developer gold, and pass the negative aspects on to burden Lee Vining's future.

Many people travel up and down Hwy 395 to avoid the kind of development the Tioga Inn project inflicts. Lee Vining isn't just the gateway to Yosemite, or a gas stop on the way to Mono Lake... it is a charming town, with lovely small businesses and artists, welcoming and delightful to visit... and for many, a gateway to the rest of Mono County. I've been visiting since I was a small child. I'm old... and travel is more difficult now... and Lee Vining has made their community quite accessible and friendly, even so. It would be a shame to overwhelm and replace that with a heavily commercialized, non-locally controlled, touristy presence. It is one thing to develop infrastructure the tourists that come to look across Mono Lake, and travel along Hwy 395, will use... but it is possible to be much more locally responsive, and support eco-tourism, where the very qualities that attracted tourists are maintained and sustained for the long run, along with the local economy and quality of life improved, rather than degraded and replaced.

Be responsive to the people and small business owners who voted for you, and not outside developers, and vote against the Tioga Inn Project. I want my grandchildren's grandchildren to be able to stop and chat with locals, to learn about the diverse geology and ecology, look up at the majesty of the mountains, and across the expanse of Mono lake, without another tourist trap marring and degrading the experience. It won't be just the community of Lee Vining that would suffering... it will be the rest of us, who love to wander and explore, who have avoided the commercialization, crowds, and traffic problems of Yosemite. You have a chance to do better, not just for the current town, but for all who will visit, for generations to come.

Vote no on the Tioga Inn Project, and insist that all development conforms to the Mono Basin Community Plan. Be that voice for the people, for the land, that elected officials with vision for the future should be.

Sincerely,

Emma Ballinger





## An Open Letter regarding the Tioga Inn Project

June 24, 2020

Mono County Board of Supervisors  
P.O. Box 715  
Bridgeport, CA 93517

Dear Honorable Supervisors,

On June 29 you will be asked to vote on a resolution to override the concerns of local Agencies, residents, and the public in order to approve the Tioga Inn Project and accept its significant adverse impacts on the Mono Basin.

We the undersigned community members write to you today because these significant adverse unaddressed impacts result from a Project that ignores public input, disregards the guidance of the Mono Basin Community Plan, and refuses to pay its own way. Mono County can do better.

The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park.

A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers.

Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions, but the Developer rejected opportunities to improve his Project.

### **The Project violates the Mono Basin Community Plan Vision and Principles**

The Tioga Inn Project will construct a privately-owned city with three times the current population of Lee Vining on top of a highly visible ridgeline with limited emergency access that is physically separated from Lee Vining by major highways. This is not sound community development.

Let us be very clear, our Mono Basin Community Plan supports appropriate development that preserves our community character. The community created the Mono Basin Community Plan in 2012, after years of meetings with the County Community Development Department, and the Board of Supervisors adopted it to establish a set of principles for how development should occur within the Mono Basin. The Community Plan recognizes the real need for workforce housing, appropriate affordable housing, and a sustainable economy with diverse job opportunities. The Community Plan eloquently documents our community's character and establishes pathways to guide successful growth in our town.

The Tioga Inn Project presented to you repeatedly undermines the core Community Plan values of "*small compact communities*" featuring a walkable town, "*safe, friendly communities*" where children have high quality education opportunities, and "*a healthy natural environment*" that includes scenic grandeur and dark-night skies, where the natural character of the land is protected "*by minimizing the intrusiveness of structures.*"

## An Open Letter regarding the Tioga Inn Project

A vote to accept the significant adverse effects of the Project will effectively repeal the Board-adopted Mono Basin Community Plan and abandon the principle that Mono County communities can define and protect their community character. This is a dangerous precedent for every community in Mono County.

### **The Project is bad for kids, schools, businesses, Mono Lake, and Lee Vining**

The Tioga Inn Project will create so many large, permanent impacts that it raised widespread alarm. Mono County received more comments of concern and opposition than any Mono County project we can recall. These include critical public safety and education problems raised by Agencies such as the Lee Vining Volunteer Fire Department, Eastern Sierra Unified School District, and the Mono County Sheriff.

Auto accidents will increase, the costs for our local schools will skyrocket, fire and emergency services will be stretched beyond capacity, and the world-renowned scenic qualities of Mono Lake and the gateway to Yosemite National Park will be forever diminished. The list of problems revealed in comments and the Project documents is even longer.

*Are there really no feasible alternatives?*

To pick an example, the Project provides no safe route for kids to walk the  $\frac{3}{4}$  mile from the Project site to school, making it a classic example of leapfrog development. The FSEIR states “there is no feasible way at this time to provide connectivity between the Project site and downtown Lee Vining” (p.103). But inquiries by community members have found that Southern California Edison is willing to explore use of its land to provide exactly this connectivity. Here “no feasible way” appears to mean the Developer is unwilling to solve the problem his Project will create.

### **The Project sticks the community and County with millions of dollars in unfunded obligations—who is going to pay for this?**

The Developer’s choice of Project size and location creates significant expensive and complex problems; a housing development of modest size located in town, for example, could take advantage of Lee Vining’s existing walkable community. But because that is the Developer’s choice, the cost of providing safe routes to school, fire protection, school resources, and visual screening should be the responsibility of the Developer.

Instead, you are being asked to approve the permanent adverse impacts of this Project. *A yes vote on the override resolution will offload millions of dollars of unfunded obligations onto the Mono Basin community and Mono County taxpayers who will have to provide the development with expanded fire, road, school, safety, and other County services.*

### **The Project ignores Agency, resident, and public solutions**

Scoping for the Tioga Inn Project began in 2016. Agencies, residents, and the public have offered constructive comments and common-sense solutions to the problems the Project creates over the last four years through thousands of pages of comments and hours of testimony. We recognize that some Project changes have been made to date—but they don’t go far enough. The Project’s damaging impacts remain. Workable solutions offered during the public process that could fix the Project are very achievable. There is no need to accept the permanent damaging impacts contained in the Proposal before you.

## An Open Letter regarding the Tioga Inn Project

### A better project is possible

It is feasible to vastly improve this Project. Your Board does not need to vote to override citizens and local Agencies and accept permanent significant adverse impacts on our community.

We all share a desire to provide affordable housing for our community members but this Project as proposed is not the solution. In fact, local efforts are already underway to plan affordable housing in Lee Vining and we welcome your help in making them a reality.

Feasible mitigations that have been suggested throughout the Project process are ignored in the final proposal before you. Three important examples are attached. Including these plus other suggested mitigations for wildlife, sustainability, and numerous other items would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

Lee Vining and Mono County deserve better. The Project should not be approved as proposed because it creates too many unacceptable impacts. If you determine that fixing the Project is worthwhile, you can send it back to the Developer with the direction that he work with the community to accomplish a redesign that can be brought back to you in a new proposal that mitigates significant impacts and aligns with the vision and values of the Mono Basin Community Plan.

Sincerely,

 Tim and Stephanie Banta Lakeview Lodge, Fourth Generation Family Owners	 Francisco Copado, Jr. Owner, Mono Cone
 Geoffrey McQuilkin and Bartshe Miller Mono Lake Committee	 Paul McFarland Lee Vining Community Member
 Charlotte Lange Chairman, Mono Lake Kutzadika <sup>a</sup> Tribe	 Narciso Vargas Lee Vining Community Member
 Cecily and Joey Audenried Murphey's Motel and Mono Cup Coffee	 Duncan King Lee Vining Community Member
 Janet Carle Lee Vining Community Member	 Julie Vargas LVHS recent graduate, Community Member
 Dulce Pascetti Lee Vining Community Member	 Kelly Miller Owner, El Mono Motel and Latte Da Coffee Café
 Janet Keller and Tom Keller Family of Anna Keller Mattly, wife of Chris Mattly, 1928 founder of Lee Vining	

## MONO COUNTY CAN DO BETTER

### Examples of the Many Feasible Tioga Inn Project Mitigations

Feasible mitigations that have been suggested throughout the Project planning process are missing from the final proposal before you. Including these, plus other suggested mitigations for wildlife, sustainability, and numerous other items, would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning.

#### **Require a safe foot and bicycle connection between the Project site and Lee Vining. Period.**

***Problem: The lack of connectivity is a huge danger to future residents, visitors, and children and a source of significant liability.***

Existing site development has already increased pedestrian traffic between the site and Lee Vining due to impacts that were approved but never analyzed in past specific plan amendments. The Developer now proposes to add a population that is three times larger than Lee Vining is today yet refuses to build a safe walking and biking connection between his development and Lee Vining.

The FSEIR concludes, "there is no feasible way at this time to provide connectivity between the project site and downtown Lee Vining" (p.103), but the Developer only considered highway-side solutions. The community's recommended options were not pursued by the Developer.

One example is the opportunity to build a pedestrian and bicycle pathway between the Project and Lee Vining in the vicinity of the Southern California Edison (SCE) utility road. Informal conversations between community members and SCE have found it is indeed possible to negotiate a renewable license agreement for a County trail that would be paid for by the Developer. Such an agreement would be similar to the decades-long license that the County holds with SCE for the Lundy Canyon campgrounds.

When the lives of our children, residents, and visitors are at stake, it is NOT acceptable to sidestep building safe routes to school and town.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected:***

*Construct a safe foot and bicycle trail across Southern California Edison land to link the project site and the existing sidewalk network in Lee Vining. A trail would be a County facility and the Developer would offset cost by contributing the project's fair share of costs to a mitigation fund held by Mono County before any Project construction begins.*

## An Open Letter regarding the Tioga Inn Project

### **Clearly Link Project Phasing to Actual Construction of the Hotel and Restaurant**

***Problem: The large Project size and weak connection to its described purpose is a major source of the Project's numerous significant unresolved impacts on the Mono Basin Community.***

The FSEIR states that the Project “will provide stable, year-round housing for all [Tioga Inn hotel and restaurant] project employees who wish to live on the project site.” The FSEIR also identifies the fees from the hotel and restaurant as providing the vast majority of the hoped-for revenue benefits to Mono County.

Yet, after 27 years, the hotel and restaurant remain unbuilt and the Project provides no commitment that these facilities will ever be constructed. Mono County may never receive the anticipated Hotel/Restaurant revenue, saddling County residents with all significant Project impacts AND all costs to address them.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Mandate Project construction phases that are clearly linked to the hotel construction. For example, require that Project building permits may only be issued after hotel construction is 50% complete and that the Project certificate of occupancy may only be issued after issuance of a certificate of occupancy for the hotel.*

### **Require Complete Visual Screening from High-Value Tourist Destinations**

***Problem: The Tioga Inn Project remains highly and unnecessarily visible from key Mono Basin tourist destinations.***

The FSEIR states that, despite design adjustments, the Project “will not reduce aesthetic impacts to less than significant levels” (p. 105). The Project impairs the scenic views from Mono Lake’s South Tufa shoreline, the number one tourist destination in Mono County.

Tourism is critical to Mono County’s economy. Yet the Developer unnecessarily asks the County to approve significant adverse impacts to the scenic vistas and dark night skies that comprise a major draw to hundreds of thousands of visitors annually.

Mono County can do better.

#### ***Feasible proposed Mitigations that the Developer has rejected (partial list):***

*Design Project so that no buildings are visible in the sightline from the South Tufa and Navy Beach shoreline. Restrict all building phases to one-story height. Relocate parts of the Project to other naturally screened locations on the large Project site. Use earth berms, grading, and other physical measures to physically block the sightline of buildings, windows, and any other elements that create reflection from morning and evening sun angles or transmit interior or exterior Project lighting. Limit grading to the amount needed for each development phase, rather than grading the entire site all at once.*

June 29, 2020

Dear Members of the Mono County Board of Supervisors,

I would like to express my concerns with the expansion of the Tioga Inn project as proposed, and to respectfully request a denial of the project as presented.

I am a home owner and have lived in Lee Vining for 36 years. I also own rental housing in Mono City and Lee Vining.

I appreciate the benefits that the current Tioga Inn has brought to the Mono Basin community over the years, and I am not opposed to increasing housing opportunities in the Mono Basin, however, this proposal is not one I can support, for the following reasons:

1. The project creates severe visual impacts to the exceptional scenic values of the Mono Basin. Located at the bottom of Tioga Pass, the visual angle that the project presents to the Mono Basin National Forest Scenic Area makes it highly visible from a large portion of the Scenic Area and Mono Lake State Reserve. Looking at the site from the mouth of Rush Creek, Navy Beach, South Tufa, and farther east, as well as the approach to Lee Vining and Scenic Byway 120, this project would create a permanent and unmitigated impact to the visual resources. The view up Lee Vining Canyon showcases the Dana Plateau and the surrounding high peaks. It is spectacular and unspoiled at present, and should stay that way.
2. The project is leap-frog development. The Mono Basin Community Plan expresses the community desire to keep additional development adjacent to the existing community. If additional housing is desired it should be connected to already developed areas, not spread out into a new and undisturbed view-shed.
3. No less intense project has been proposed, and the location is inappropriate. If a project were to be located on the north side of the moraine adjacent to and below the Tioga Inn existing development, and kept within the pocket so as not to be visible from the east and south, it might be reasonable to support.
4. The scope of the proposed housing project is out-of-scale. Doubling the population of Lee Vining with temporary or seasonal workers, who will not own their own homes, is potentially harmful to the community character. As a former fire district commissioner, I am concerned with the ability of the volunteer fire department to respond to increased fire, medical and traffic incidents.
5. The original Specific Plan was approved 27 years ago. This part of the project was not included nor evaluated in the Plan, so it is disingenuous to consider that what was approved then adequately addresses concerns of today. At the Planning Commission meeting in April 2020, County Counsel was asked if the original Specific Plan could be reconsidered, the answer was yes, but the Planning Commission declined to do so. Because the current proposal deviates significantly from the original approved Specific Plan, the Board should require a new Specific

Plan that evaluates the new proposal in its entirety, to address cumulative impacts, current issues and concerns.

For these reasons, I cannot support this project as proposed, and urge the members of the Board to deny this project as presented.

Respectfully,

Steve Barager  
PO Box 89  
Lee Vining, CA 93541

**From:** [Reinhold Gras](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 11:54:17 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors.

I am writing to you from the Bay in the hope that you will deny the Tioga Inn project to move ahead. The beauty and uniqueness of the area will be forever altered with a large scale project like this. Once it's gone, it will not come back. Please help preserve this unique piece of the world.

Reinhold Gras & Chris Barnett



**From:** [sallybarn@aol.com](mailto:sallybarn@aol.com)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Proposed Project  
**Date:** Thursday, June 25, 2020 5:59:45 PM

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Mono County Board of Supervisors:

I wish to register my great concern about the size, placement and scope of the proposed Tioga Inn housing development on the Tioga Pass Road. This is an urban-sized development, totally unsuited for a rural community with a small tax base. The impact on schools, fire, roads, policing as well as traffic and safety will be enormous if this project is approved. As a property owner in Mono City I am very distressed that the scenic and rural quality of the property I own will be greatly diminished.

This is a development project that *PERHAPS* could fit at Mammoth Lakes, but definitely not Lee Vining. Given the uncertainty of tourism in the years to come, and the job loss that could occur, is this really the time (not to mention, the place) to approve a housing project of this overblown proportion?

Thank you for your consideration, and deliberation,

Sally Barngrove  
Mono City

**From:** [Ellen Stone Belic](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Must not approve The Tioga Inn Project  
**Date:** Friday, June 26, 2020 12:33:35 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear County Board of Supervisors,

I am writing to urge you against approval of The Tioga Inn Project. The project will have permanent adverse effects on the scenic nature Mono Basin; compromise the safety of visitors; overstretch the local schools and Fire Department; and financially burden taxpayers with costs that are rightfully the responsibility of the developer. The developer has not made any meaningful changes in the final proposal that the Board will evaluate, even though hundreds of thoughtful comments and suggestions have been submitted. Mono County must do better. Please deny this project.

With great concern,

Ellen Stone Belic  
Mono Lake Committee Member

**From:** [Claudia Robbins](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 4:09:24 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

We urge you to delay or deny approval of the Tioga Inn Project in Lee Vining, California, and to carefully review the concerns of the Mono Lake Committee.

We visit Lee Vining annually for its scenic beauty, lake and mountains and patronize many local businesses. Like Lee Vining and other parts of Mono County, we live in a town and county whose economy relies heavily on tourism. We have seen the growth of the hotels and tourism seriously affect local housing, water, electricity, roads, traffic, safety and environment. We have lost some of our scenic beauty in order to increase the tax base. We believe that the Tioga Inn Project will have similar impacts on Lee Vining and will create a new, city-like skyline, interrupting the mountain views tourists cherish.

Although workforce housing is desirable in many communities, such a large-scale development as the Tioga Inn Project will significantly stretch the capacity of the local school district and volunteer fire department, meaning the taxpayers of Lee Vining and Mono County must meet the increased burden of this development.

The Mono Lake Committee has offered ways to improve this project. The proposal that the Board will evaluate does not significantly address any of these changes. The developer, not Mono County, must address some of the financial and environmental impacts of this project.

We urge you to reverse the approval of the Planning Commission for the Tioga Inn Project.

Claudia Robbins and Martin Bennett

Sonoma, CA

**From:** [Sherrie Besson](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Pass Development  
**Date:** Wednesday, June 24, 2020 6:04:09 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We applaud the effort to bring a sustainable development to Lee Vining. However, we feel more effort by the developer needs to occur prior to approval. The eastern Sierra Nevada is a treasure for generations to come, use this as your guide for any development of our lands.  
Denis and Sherrie Besson

**From:** [M. Betcher](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Development  
**Date:** Thursday, June 25, 2020 9:55:11 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors-

Just say no to the Tioga Inn Project.

I have enjoyed Lee Vining and its surroundings for more than 50 years. Dad brought me to the shores of Mono Lake when I was about 13, well before any visitor centers, he wanted me to see the tufa and understand that birds and brine shrimp could thrive in this high desert basin place. I have kept coming back first from central California and now, Nevada, for the open, quiet expansiveness. I love Lee Vining, it's peaceful bustle, my heart's desire stop as I head to Yosemite or South. Yes, I am a long-time David Gaines fan, often heading for the County Park to swing and walk the board-walk, yet another walk up Panum Crater, many of my family and friends have been introduced to the Mono Lake surroundings because I brought them.

I am horrified that you are even considering this ill-advised development. If you consider its impact on the visual integrity of the Mono Basin alone, it should be a NO GO. But then imagine the impact on the tiny community of Lee Vining; schools, fire-protection, and other infrastructure concerns, do not saddle LV with this mess. Walking around town is a special experience, you are about to alter that irrevocably with this plan. Speaking of PLAN, what about the Mono Basin Community Plan Vision and Principles?

*“small compact communities” featuring a walkable town, “safe, friendly communities” where children have high-quality education opportunities, and “a healthy natural environment” that include scenic grandeur and dark-night skies, where the natural character of the land is protected “by minimizing the intrusiveness of structures.”*

I appreciate your attention, please listen to the public voices.

Sincerely,  
Martha Betcher  
m\_betcher@yahoo.com

**From:** [Sharon Boies](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** The Tioga Inn  
**Date:** Thursday, June 25, 2020 1:10:44 PM

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To the Mono Co. Board of supervisors ,  
Thank you for the opportunity to express my views concerning the project.  
Please add another voice to the opposition column.  
It's hard to believe in this time of uncertainty with the coronavirus and the future of tourism and travel that expansion of any size is still under consideration.  
It's my understanding there are very few people who support expansion.  
I wonder why the residents of Lee Vining and the majority of people who have voiced an opinion aren't being heard ?  
If you allow expansion to proceed, not only will you be overlooking those voices but the environment , water, light, air and noise pollution that will occur as a result.  
Also, the financial stability of Lee Vining herself. If existing businesses fail, there may not be a tax base for the town.  
You will be placing an undue burden on the emergency services for Lee Vining, how unfair.  
You will also be allowing the trashing of a pristine area with a one of a kind on earth, iconic view - FOREVER .  
Please, think about our children's children not seeing what we see now because of your decision for all of us.  
Please don't let potential short term gain be more important than what makes Mono Co. so unique that people from around the world want it preserved as is.

You can always revisit expansion later but you can't take it back.  
You alone have the power to save what is irreplaceable to so many of us. Thank you.  
Sincerely ,  
Sharon Boies  
Columbia , Maryland

**From:** [Beth Branthaver](#)  
**To:** [CDD Comments](#)  
**Subject:** Mono Lake Tioga Inn Project  
**Date:** Thursday, June 25, 2020 8:27:42 PM

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I oppose the project as currently designed when there are feasible mitigations that could make the project acceptable.  
Beth Branthaver

**From:** [Susan Breisch](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 8:28:32 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please **reject** the current **Tioga Inn development proposal**.

Tioga Inn **developers must bear the financial burden for infrastructure** which will be required to support such a project. Schools, housing, roads, police and fire protection just touch the surface of what would be required for such a development. Those costs must not be foisted upon the local community budget. Local taxpayers need relief not grief.

Susan Breisch  
California resident



**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Letter for supervisors  
**Date:** Friday, June 26, 2020 1:26:58 PM  
**Attachments:** [image003.png](#)

---

Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
County of Mono  
760-932-5538 (office)  
760-932-5531 (fax)  
760-932-5530 (main line)  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)



---

**From:** Andrew Browne <andybduzit@comcast.net>  
**Sent:** Friday, June 26, 2020 1:27 PM  
**To:** Scheereen Dedman <sdedman@mono.ca.gov>  
**Subject:** Letter for supervisors

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Clerk, Please distribute this letter to the supervisors. Thank you.

Re Tioga Inn Project

Dear Mono County Supervisors,

One of the main reasons people come to Mono County is for space. Space without embellishments. Space to renew faith and strength.

A large, visible hotel in one of the most visited parts of the Mono Basin would destroy that feeling of space.

I have been to the Mono Lake area many times. Such a structure would make the region much less attractive, not more. Vote NO.

Thank you,

Andrew C. Browne

**From:** [Dick Bunce](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Meeting - Comment  
**Date:** Friday, June 26, 2020 2:00:30 PM

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We write as annual visitors to Lee Vining since 1974, when we first discovered this remarkable landscape and town. We visit during all seasons. Most recently we came as 3 generations, to introduce our grandchildren to the beauty and values of this unspoiled and unique area.

- The developer's proposed 3-story hotel structure trumpets its presence [for marketing purposes] and will **dominate the landscape** from every approach on 395, and every vista point in the Mono Lake Basin. This is so **out-of-character with the scenic values** of the area that so many have sought for so long to preserve. **It is an assault on the natural beauty** that draws us and thousands of visitors. **Today all over the world overnight accommodations are being designed in exceptional environments that understate their presence, that merge unobtrusively with their natural context, that seek by their presence to fit in – not stand out.** This project is all wrong for this site and you must insist on protecting the extraordinary character of this area. It is a world-class setting and landscape and once scarred by the kind of out-of-scale, massive and domineering construction that is proposed – it can never be recovered.
- The developer's finite economic gain seems to be driven by an unapologetic disregard for the unique, timeless and enduring character of Mono County and the Mono Lake Basin.
- **At a minimum the County should exclude the phase three housing from the Project altogether.**

Please exercise your wisdom and protect the values that have won for Mono County a place in so many hearts.

Richard and Deane Bunce

**From:** [Alice Butler](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 6:09:05 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

I am a frequent visitor of the Mono Basin and balance my stays between your lovely existing motels and camping in the campgrounds near Lee Vining. I love visiting the cafes, book store, Mono Market and of course, the Mono Lake Visitors Center. When I have out of town visitors from as far away as Alabama and Florida, I always bring them to the Mono Basin for the beauty, grandeur and wildness of the area. **Please preserve this amazing geologic area of wonder for future generations by not allowing the Tioga Inn Project to proceed as it is. You have a treasure, do not spoil it!!!**

**Alice Butler**  
**385 Coloma Heights Road**  
**Coloma, CA 95613**

**From:** [Tom Camara](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** NO on the Tioga Inn Project  
**Date:** Thursday, June 25, 2020 8:41:45 AM

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June 25, 2020

To whom it may concerns:

I am writing you to urge you NOT to proceed with the Tioga Inn project.

As a frequent visitor to the Mono Basin area, I feel that this project would seriously degrade the scenic nature of the area, damage the environment unnecessarily, and have serious negative impacts on pedestrian, motorists, and cyclist safety. We do not need this type of development in the Mono Basin. Please do not move forward with this project.

Sincerely,

Tom Camara

----->  
*A SMALL REQUEST/REMINDER: If you ever are thinking of including me in a group message, please do me a favor: please put the addresses in the Bcc box, NOT the Cc box. Your message will still get to everyone, but the recipients' addresses will be hidden. This is very important to people who are concerned about privacy, and who are trying to reduce spam. Many people (myself included) do not want their addresses broadcast to people they do not know. If you cannot or don't want to do this, please don't include me in group messages. Thanks much!*

**From:** [Thomas Cerny](#)  
**To:** [CDD Comments](#)  
**Cc:** [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:29:01 PM

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We have been visiting the Mono Basin annually or more often for over 50 years. We wish yet again to express our adamant opposition to the Tioga Inn project and ask that the Planning Commission disapprove it.

We are very concerned that the developers have made no meaningful changes in their previous plan, despite many comments opposing it and offering positive suggestions for improvement. This development will, even with the best possible mitigation efforts, be a "blot" on this great natural resource and should not be allowed at all. However, if the Commission believes that some housing must be located in this particular location, it is only right and fair that the developers be required to do everything possible to mitigate the impact.

In addition to unfair financial and other impacts on local people, this development will result in major, irreparable impairment of magnificent, unique natural resources of our country. It is completely unfair and unreasonable that the developers should be able to do as they wish and profit from this venture, while the vast majority of people will suffer from it. It should be the "mission" of the Planning Commission to protect the natural beauty and resources of our country and the interests of such people - not the interests of the developers.

Respectfully,

Thomas and Judith Cerny

**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: I am against the Tioga Inn project  
**Date:** Friday, June 26, 2020 9:31:39 AM  
**Attachments:** [image003.png](#)

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Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
County of Mono  
760-932-5538 (office)  
760-932-5531 (fax)  
760-932-5530 (main line)  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)



---

**From:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Sent:** Friday, June 26, 2020 9:12 AM  
**To:** Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>  
**Subject:** Fwd: I am against the Tioga Inn project

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**From:** cinda christensen <[cinda118@yahoo.com](mailto:cinda118@yahoo.com)>  
**Sent:** Thursday, June 25, 2020 5:11:50 PM  
**To:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Subject:** I am against the Tioga Inn project

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attachments unless you recognize the sender and know the content is safe.

To the Mono County Board of Supervisors,

I would like to speak against the proposed Tioga Inn project in Lee Vining. I live in the Sacramento area, but have traveled to the Lee Vining area every year for the last 25 years. I go there to escape traffic, congestion, bad air quality, and to enjoy the natural beauty of the area. I am a member of the Mono Lake Committee - I am not just a casual tourist. The eastern Sierra is my favorite part of California because of the very limited development, wide open spaces, and fabulous hiking. I do not go into Yosemite or Mammoth Lakes because of the crowded conditions.

I feel that the proposed project is grossly oversized and will have a significant impact on the serenity and scenery of the local area. The fact that the project developers are not interested in downsizing the project tells me it needed to be this big to turn a profit. This is concerning to me as I had previously lived in a city (Elk Grove,CA) that was desperate to increase revenue, so more and more housing developments were started to increase property taxes. The result was a soulless, unattractive city. I am concerned Mono County is eyeing large sale tax revenues as the reason for approving this large project.

Bottom line, if this project is built at the current proposed size, I will not return to the Lee Vining area to stay overnight, spend money at the market, and restaurants. There are some lovely areas in far Northern California and Oregon.

Thank-you for your consideration,  
Cinda Christensen  
Carmichael, CA



**From:** [Rebecca Cicoria](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 9:30:39 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Supervisors,

I live in Southern California and love to travel the world but honestly, during the pandemic, all I could keep thinking about was when I would be able to drive up my beloved 395 to visit the Mono Lake area again. I've visited Mono County and the Eastern Sierras every single year since I was a young teenager in the 70's. As nostalgic as I tend to be sometimes, I'm also a big fan of progress and don't believe everything should stay static. In fact I wholeheartedly support responsible development. I see it as the only way to keep communities - especially smaller rural ones - vital and thriving.

That being said, the prospect of approving the Tioga Inn Project in its current state is hugely unsettling to me.

There are several feasible mitigations that the developer should be required to accomplish before you approve it. I am pleading that you work with the communities of Lee Vining and all of the Mono Basin to redesign this development in keeping with the vision and values set forth in the Mono Basin Community Plan.

Sincerely yours,

Rebecca Cicoria

**From:** [Nancy Grey Cloud](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 8:03:48 PM

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I cannot attend the meeting as I am out of state, but strongly disagree with the development of the proposed inn. Please leave Mono County the way it is ! Thankyou, Nancy Grey Cloud

Sent from my iPhone

**From:** [Valerie P. Cohen](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** NO TIOGA INN!!!  
**Date:** Thursday, June 25, 2020 10:09:22 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We've been coming to Mono County for well over 1/2 a century. We've lived and worked in the Tuolumne Meadows district of Yosemite, and now own property in June Lake.

The proposed Tioga Inn will destroy the beauty of our landscape, which will in turn repel the visitors who now support the economy (an economy now at great risk due to corona virus). Pedestrians, bicyclists, and car drivers' lives will be in danger. The lovely serenity and friendliness of Lee Vining will be grievously damaged forever.

The bodies such as Mono County Commission that approve the Inn will certainly be sued, for years to come, and Mono County cannot afford the money it will have to spend to try to deal with such suits.

Valerie P. and Michael P. Cohen  
P.O. Box 314  
June Lake CA 93529

**From:** [Judith Corning](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 11:16:52 AM

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I have been visiting Mono Lake for over 60 years and have very strong feelings about this wonderful place.. Therefore I oppose the Tioga Inn Project as currently designed as there are feasible mitigations that could make the project acceptable

Judith Corning

**From:** [hoytcory@aol.com](mailto:hoytcory@aol.com)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 7:11:25 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors:

There is so much being taken away from us - we the people - these days, so much we're loosing to the rapid pace of life and the pressures of the world. And it is so rare to feel the quiet and beauty of Nature as the natural healing tonic for our 21st Century ills. As a voice from another time in our history when confronted with the lust for development and the greed of developers, Joni Mitchell wrote, "Don't it always seems as though you don't know what you got 'till it's gone - they paved paradise and put up a parking lot". Don't let this happen to the Mono Lake basin with it's immeasurable benefits for the sanity of humanity.

Like the wisdom that created and fights to keep the National Parks, the Mono Basin is a sacred treasure that must be preserved for now and the future. We need it. Please don't be short sighted and think more money will be the benefit. Money disappears and what's left is a sadness that erodes our quality of life and our ability to find peace in this world. Please think twice before making this mistake.

Thank you.

Sincerely,

Hoyt Cory

Sonora, CA

**From:** [karencory@aol.com](mailto:karencory@aol.com)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:02:45 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**My husband and I are both born and raised in California. We have camped the Sierra's all of our lives, along with our parents before us who have since passed away. We love the Eastern Sierra's and visit every year during the Summer months and again in the late Fall.**

**We our both very much against this project going forward, a large Hotel/Inn complex is not needed and would create a lot of issues. You already have so much traffic during the Summer months in Lee Vining and this will only add to the issues. Plus, the environment concerns from smog, trash, etc. with all the extra people and vehicles.**

**PLEASE DENY THE TIOGA INN PROJECT. Leave the hills, mountains, lakes and streams alone, this project will only create a lot of problems. Plus the issue with water as well.....**

**Thank you**

**Karen & Cecil Cory  
Camarillo, CA**

**From:** [Lisa Cowan](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 8:04:28 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

I am opposed to the Tioga Inn project, being proposed for Lee Vining. I would like to preserve the scenic natural beauty of the area.

Thanks,  
Lisa

**From:** [Clare Cragan](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 8:55:18 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Mono County Board of Supervisors,

As a former Lee Vining resident and recurrent visitor, I'm opposed to the Tioga Inn project as currently designed for two reasons: 1) despite the impression painted by the developer, this is not affordable housing, and 2) the project is entirely disproportional in size and design for both the community and landscape. While I can certainly relate to the need for affordable housing, as I too needed an affordable rental that didn't consume my wages, do not be fooled – this is not it. I urge you to take the time to consider how you can best serve your constituents by ensuring the development truly serves the purpose proclaimed – not a free-for-all that will only bend to commercial interests after your approval.

Second, as you all know, Lee Vining is a very small community that's economy is inherently tied to the world-renowned landscape where it sits. Development of any sort is permanent, irreversible, and can hardly be taken lightly. To not require the developer to consider alternative designs that complement the land, is to shoot yourself in the foot—marring the town's greatest asset. Moreover, the scale of this project dwarfs what is appropriate for the community, and will have downstream effects to the public services that I fear you have not adequately considered. Particularly when it is well known this is only phase one of larger plans.

While I'm not lucky enough to live in Lee Vining any more, I keep coming back as a visitor for the unique experience: quiet, rural, free of crowds, unparalleled views in all directions. I implore you to not to prohibit the project, but to simply be more thoughtful.

Thank you for considering this comment.

Clare Cragan



**From:** [Wendi Craig](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 7:32:50 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

I am a resident of San Luis Obispo County and I love coming to Mono Lake - because up to this point it is relatively unspoiled by greedy development projects. Please do not let this project happen. The SEIR shows several "Significant and Unmitigable" impacts of this project. The development company will not have to live with those impacts. You, the citizens of the area, visitors to the area, and the beautiful and pristine environment will suffer from these in perpetuity.

For me, a project of this sort would make me less likely to visit your area. I see enough of this stuff where I live. 2 years ago, I sold my home of 28 years in San Luis Obispo because of a similar project that had "Significant and Unmitigable" impacts which would have negatively impacted my daily life. Please don't let this happen to you. You can't trust the developer to follow through on promises made. Often they will sell the project and walk away from the disaster that follows.

Again, I strongly urge you to vote no on the Tioga Inn Project. Mono Lake is where I go to get away from this stuff. Please make it the same welcoming, peaceful, breath-taking place it has always been for me. I hope to continue attending events like the annual Chautauqua in the future.

Sincerely,

Wendi Craig  
3030 Clark Valley Road  
Los Osos, CA 93402  
(805)459-4075

**From:** [Virginia Cunningham](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Re Tioga Inn  
**Date:** Wednesday, June 24, 2020 6:49:37 PM

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To whom it may concern,

I am writing to ask you to vote no on the Tioga Inn project. I believe the project will have adverse affects on the Mono Basin. I want the Board of Supervisors to place the care of the Mono Basin as the highest priority.

Graciously

Virginia cunningham

Sent from my iPhone

**From:** [Thomas Deetz](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 11:41:09 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to urge you to not support the Tioga Inn Project as proposed. It imposes undue safety and traffic concerns for cyclists, pedestrians and vehicles, undo financial burdens on the community of Lee Vining for community provided services, and without relocation to a site not visible from the basin, a terrible scenic incursion in a remarkably beautiful area. Thank-you for your re-evaluation of this project.

**From:** [adam dickenson](#)  
**To:** [CDD Comments](#)  
**Subject:** Opposition to Tioga Inn  
**Date:** Wednesday, June 24, 2020 10:35:35 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Adam Dickenson and I am opposed to the development of Tioga Inn. I am opposed to the development on the simple grounds that serious consultation of the Mono Lake Kutzadika tribe has not taken place. I have concerns of my own such as traffic, overcrowding, and destroying the scenic beauty of an area with a completely out of place development, but I will withhold my comments and request that voice be given and council granted to local tribal leaders.

--

Thank you,  
Adam Dickenson

**From:** [Tom Dimitre](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn project  
**Date:** Friday, June 26, 2020 2:53:50 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello:

I am writing to express my opposition to the expansion of the Tioga Inn.

I visit the area frequently and hope to do so in the future.

The expansion will be an eyesore to the fabulous vistas in the Mono Basin, and will create traffic, increased population and other significant impacts that will require a significant increase in infrastructure in Lee Vining and the surrounding area.

The Mono Basin is a pristine area and adding so significantly to the imprint of the Basin is a significant impact that cannot be adequately mitigated.

I urge you to vote NO on the Tioga Inn expansion, as it will be detrimental to the Mono Lake Basin and its environs.

Thank you.

Tom Dimitre  
Ashland, OR

**From:** [Kathleen](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** No on the Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 7:01:07 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors,

Please do not allow this project go through. It presents an permanent adverse effect on the Mono Basin. I have visited the Mono Lake area almost every year since 1984. This project is not needed and is detrimental to preserving this unique ecosystem.

Sincerely, Kathleen Dunbar

Kathleen Dunbar MFT#39880, Certified Hakomi Therapist  
Virtually/Telehealth: Throughout California  
San Francisco and Marin Offices: Currently via Telehealth due to COVID

Specialties: Experiential Psychotherapy, Mindfulness, Somatics, Hakomi, Healing Trauma, Attachment Work, Creative Expression, Continuum, Dyslexia, Parts Work, Psychodrama, Biodynamic Cranial Touch, The Tamura Method, Energy Work, Archetypal Work

Phone: 415/668-5130  
Email: [kathleen@kathleendunbar.net](mailto:kathleen@kathleendunbar.net)  
Web: [www.kathleendunbar.net](http://www.kathleendunbar.net)

If you ask me what I came into this life to do, I will tell you: I came to live out loud. —Émile Zola

Please note that e-mail is not a secure form of communication; therefore, confidentiality cannot be guaranteed.

**From:** [dave edwards](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn mega-expansion  
**Date:** Thursday, June 25, 2020 3:05:10 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Decision-makers,

My wife and I are adamantly opposed to the proposed project at the Tioga Inn. Its negative impacts on the the environment far exceed any positive aspects of the expansion. One of our favorite memories of the Eastern Sierra is a night that we spent camping on top of one of the Mono Craters several years ago. The view of the Sierra was incredible! This project will sully that experience for many, many of the county's visitors and local inhabitants. Please take into account all of the earnest criticism that this proposal has generated and have the proponents go back to the drawing board to mitigate the negative impacts or abandon the project all together.

Thank you for your time and consideration.

Dave and Joanne Edwards  
Sacramento, CA

**From:** [Sally Eimer](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 12:31:13 PM

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It seems that nothing is sacred, not even the pristine beauty of the 395 High Sierras. It feels like there has already been a payoff and that nothing will stop the filling up of someone's coffers. Leave the beauty alone. We don't need one more mega resort for the very wealthy. We need to let natural beauty infuse us with nature not more manmade stuff that is wrecking what is most important for our inner souls. Highway 395 has been my sacred space, one that has filled my heart and soul for years. Too much development is killing not only the natural beauty but destroys the natural habitat for the animals, always pushing them further away or having to deal by the encroachment by adapting or death and extinction.. I absolutely say no to this project no matter how "rustic" high end the proposed project is.... Protect the Mono Lake Basin. Protect 395, please. It's not all about the money. Please, elected officials and developers, put your money into protecting what we love, natural beauty, not more buildings, traffic, and pollution.



**From:** [chrisme@sonic.net](mailto:chrisme@sonic.net)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 10:44:27 AM

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To who it may concern,

There are mitigations that could make the Tioga Inn Project acceptable and that is why I oppose the project as it is currently designed.

I am a yearly visitor to Lee Vining and hope you consider my comment.

Christine Engel

**From:** [Gary Falxa](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project: Please deny it, in its proposed form  
**Date:** Wednesday, June 24, 2020 7:30:24 PM

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Dear Mono County Supervisors,

While I do not live in Mono County, I have recreated there often since the 1950s, when my family made annual camping trips to the eastern Sierra Nevada and nearby Tuolumne Meadows. Because I know and treasure this area, I ask you to deny the permits for the proposed Tioga Inn project, because it will have significant environmental and human impacts, resulting in long-term degradation of the Mono Lake region. While project modifications to avoid and minimize these impacts were suggested during public commenting, the project proponents have chosen to ignore public concerns. Please do not reward that behavior, or this wrong project, with your approval.

The final CEQA analysis (FSEIR) for the Project shows that, as proposed, it will have significant adverse impacts to local schools, the capacity of the volunteer fire department, pedestrians and cyclist safety, traffic safety at a major highway intersection, the health of the local mule deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park. The Project's scale and impacts are simply a poor fit for Lee Vining and the Mono Lake basin.

Mitigation of Project impacts is feasible. Extensive public comment provided ideas and solutions, but the project proponent rejected opportunities to improve the Project. Please do not approve the Project as proposed, as the significant impacts are unacceptable.

Thank you.  
Gary Falxa  
1615 Swanson Ln.  
Eureka, CA 95503

**From:** [Tom Farella](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn  
**Date:** Thursday, June 25, 2020 10:38:47 AM

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Greetings

I am writing to note my disapproval of the project that is proposed at the Mo-Mart, as we all call it. I can't actually believe that this is even possible, as a project. For all the decades of hard work to protect Mono Lake and the region, this would be the equivalent of putting a Harrahs casino in the middle of Yosemite Valley.

The area is only busy half of the year, at best, yet this edifice will lord over the region 100% of the time.

A firm NO from frequent visitor for over 40 years. Don't do it. You will kill the golden goose and regret it forever.

Sincerely,

**Tom Farella**  
**Farella Vineyard**  
**2222 N 3<sup>rd</sup> Avenue**  
**Napa, CA 94558**

**707.254.9489**

**From:** [Patricia Gay Gullivan](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tiogo Inn  
**Date:** Thursday, June 25, 2020 8:48:16 AM

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Please take into consideration this development will change the beauty of the Mono basin forever.  
Patty Gullivan

**From:** [Nicole Gant](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Do not approve Tioga Inn  
**Date:** Wednesday, June 24, 2020 8:11:16 PM

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Please do not approve the Tioga Inn project. The environmental impact is not worth it.

-Nicole Gant

Sent from my iPhone

**From:** [Norman George](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** OPPOSITION TO TIOGA INN  
**Date:** Thursday, June 25, 2020 10:55:56 AM

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To the Board of Supervisors:

I am writing in opposition to the proposed Tioga Inn project near Lee Vining.

I am not a Mono County resident, or even a California resident. I live in Santa Fe, New Mexico, but I am one of the 17,000 members of the Mono Lake Committee, and the many thousands more who have been moved by their experience in the majestic Mono Basin.

This proposed development is simply wrong. It is wrong in concept. It is wrong in size and scale. It is wrong in siting. It is wrong in environmental degradation. And it is wrong in socioeconomic impact.

I urge you to reject this project for the benefit of Mono County, those of us who love the Mono Basin, and the thousands yet unborn who will come to love it as we do.

E. Norman George  
4 Lilac Circle  
Santa Fe, NM 87506  
tkrmaster85@comcast.net

**From:** [samgitchel](mailto:samgitchel)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 7:36:47 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors,

I urge you to not approve the Tioga Inn project as currently conceived. As currently designed, the project is a detriment to the beautiful area and its residents. My concerns are that it will:

- make the area much less attractive to visitors -- both through its physical presence and increased traffic;
- reduce the safety of pedestrians, cyclists, and vehicles;
- strain the resources of the area for the benefit of an outside corporation.

I am a regular summer visitor to the Lee Vining area and patronize a number of businesses. The addition of a project like this will make the area less attractive for my future visits.

In my opinion, the developer should work with local groups such as the Mono Lake Committee to create a project that is good for the local community.

Sincerely,  
Sam Gitchel  
265 Giles St, Nevada City, CA 95959

**From:** [Alan](#)  
**To:** [CDD Comments](#)  
**Subject:** The Tioga Inn Project...  
**Date:** Thursday, June 25, 2020 12:51:02 AM

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June 25, 2020

Mono County Board of Supervisors  
P.O. Box 715 Bridgeport, CA 93517

Dear Honorable Supervisors,

On June 29 you will be asked to vote on a resolution to override the concerns of local Agencies, residents, and the public in order to approve the Tioga Inn Project and accept its significant adverse impacts on the Mono Basin.

As a concerned citizen of California, I write to you because these adverse unaddressed impacts result from a Project that ignores public input, disregards the guidance of the Mono Basin Community Plan, and refuses to pay its own way. Mono County can do better, for the county and all Californians.

The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource - Mono Lake and the gateway to Yosemite National Park.

A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, residents and taxpayers.

Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions, but the Developer rejected opportunities to improve their Project.

Please vote against the resolution to override. Vote against the Tioga Inn Project.

Sincerely,  
Alan Glover  
411 Park Ave., Unit #218  
San Jose, CA 95110





Mono Lake



Tioga Inn Project

**From:** [Alan Bade](#)  
**To:** [CDD Comments](#)  
**Subject:** Please reject the Tioga Inn project!  
**Date:** Friday, June 26, 2020 3:00:40 PM

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June 26, 2020

Dear Mono County Board of Supervisors;

I urge the Board to NOT approve the Tioga Inn project! I have been visiting this area all my life, as my parents have, and actually also their parents in the early 1900s. We frequent the small family businesses in the area and look forward to returning many times per year.

The cumulative scale of the project is enormous. The visual impacts are catastrophic, as the project will disrupt the natural views from South Tufa, Panum Crater, and along highway 395. The natural vistas of this area are a significant attractive element of why people visit! I highly value the uninterrupted natural views that can be seen across the Mono basin.

I come to the area to bird watch, botanize, hike, camp, and observe the dark sky as an aspiring amateur astronomer! The total number of even downwardly facing lights will have a cumulative glow effect that will devastate the night sky!

Mono County will be damaging the very resource that is serving as an economic engine for the County with this project.

I'm worried this kind of piecemeal planning will serve as a precedent for future development. The very resource that draws visitors is at stake here.

I urge Mono County to ask for a better project! We will not patronize this project if it is built and will urge others to not patronize it either.

Best regards, Alan Bade and Wendy Gollop  
280 Longfellow Drive  
Pleasant Hill, CA 94523

**From:** [Nina Graham](#)  
**To:** [CDD Comments](#)  
**Subject:** The Proposed Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:31:47 PM

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To: The Mono County Board of Supervisors  
From: Nina and Bill Graham

Having learned of this project and carefully read the enormity of the impacts the Tioga Inn development will surely have on the Mono Basin, we adamantly register our OPPOSITION to the project in its current form. The proposed size, height allowances, increased traffic, and scope of this new "city" are but several of our objections. It is inconceivable that such a singularly inappropriate use of the property could have been approved by the Mono County Planning Commission. Now it is up to you, our Mono County Supervisors, to look again at this proposal and ensure that the environmental values of the area are protected above ALL else! The natural environment, residents, and visitors to the Mono Lake area and Gateway to Yosemite deserve far better.

As full and part time property owners in Mammoth Lakes for more than 50 years, and citizens of this state, we implore you to now do what is right for this land, and for all those who love Mono Lake, Lee Vining, and the Eastern Sierra.

Yours truly,  
Nina and Bill Graham  
218 Solitude  
Mammoth Lakes/  
1792 Warwick Road  
San Marino, CA 91108

**From:** [John Gant](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Toga inn project  
**Date:** Wednesday, June 24, 2020 6:08:39 PM

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Please, please, please, don't spoil a beautiful place in California. I know all counties need tax dollars, please not here, this beautiful lake and area needs to stay pristine.

DO THE RIGHT THING, nature over dollars!! I want my grandkids to experience this beautiful natural environment.

Thank you!

JG

Sent from my iPad

**From:** [Allen Green](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Cant be any more concise and specific.  
**Date:** Thursday, June 25, 2020 4:37:49 PM

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--This clearly is a project that damages the scenic nature of the Mono Basin, compromises the safety of motorists, pedestrians and cyclists, stretches the capacity of local schools and the volunteer fire department, and saddles the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer.

*Allen Green, PE Ret.*

**From:** [Jon Hafstrom](#)  
**To:** [CDD Comments](#)  
**Subject:** Mono County Resident Comments Concerning Tioga Inn Project Permit  
**Date:** Thursday, June 25, 2020 6:48:48 PM

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Mono County Board of Supervisors:

The Tioga Inn project is proposed on a scale totally out of place with the size and character of the community of Lee Vining. As a resident of Mono County, but not of Lee Vining, I believe it should be up to the residents of Lee Vining to decide whether they want a project of this scale in their community. Residents have highlighted the potential visual unsightliness of the proposed project, the water and waste requirements, the damage to the dark skies of the area, and the myriad of other objections which the project would bring to the area.

Since the overwhelming majority of Lee Vining's residents oppose the project, it is your duty to vote down the Tioga Inn project and support the will of the residents of Lee Vining.

Sincerely,

Jon Hafstrom  
Resident of Walker, Mono County

**From:** [brian.hammer](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project Proposal  
**Date:** Wednesday, June 24, 2020 8:13:49 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a visitor to the Mono Basin region for the past 50 years I implore you to vote against the subject project / proposal. In my opinion the scope of the project as currently constituted would simply devastate the region on multiple fronts. Dark sky's, wildlife, the ambiance of the region at the project site and the surrounding community of Lee Vining and Lee Vining Canyon would simply be destroyed with little to any value added. Please, please, please. I'm not saying "no" without further evaluation to meet the needs the project is trying to address but this isn't the location to support a project of this scope and scale.

Kind Regards,

Brian Hammer

*"Love people and use things, because the opposite never works" - Byron 510 Realm*

**From:** [Kathy Hansen](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn comment letter per June 29th hearing.  
**Date:** Wednesday, June 24, 2020 10:30:25 AM  
**Attachments:** [TIOGA INN COMMENT LETTER.pdf](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached find comments regarding the Tioga Inn Monday June 29th hearing. I ask that this letter be included in the board of supervisor's packet for the Monday meeting. Could you please acknowledge this email.  
Thanks for your time and attention to this matter.

Jeff Hansen

--



*Celebrating Excellence - Veteran Owned & American Proud*



**JEFFREY P. HANSEN**

P.O. Box 245  
Lee Vining, CA 93541  
Ph. (760) 647-6606

June 11, 2020

County of Mono  
Board of Supervisors  
c/o Clerk of the Board  
PO Box 715  
Bridgeport, CA 93517

RE: Tioga Inn Project

Dear Board of Supervisors:

I am writing in regards to the decision before you impacting the Tioga Inn project. I think it would be prudent to go back to "square one" on these applications and determine as to the timely, fair and appropriate handling of the entire process.

Dennis Domaille has acted in good faith to obtain the necessary permits and approvals during the entire cumbersome process including the numerous appeals and hearings. He has acted on behalf of the legitimate community members and addressed their appropriate concerns. It seems as if the entire ordeal has digressed into an environmentalist vs. private property owners lawful request for the good of the overall application process, NOT the overwhelming amount of internet solicited and scripted responses to a current "chicken-little" disaster as defined by our local group of deniers.

Dennis has been illogically treated as an enemy of the environment, "feeding only on his greed at the expense of the entire world." Please understand that you were elected to represent the entire population of Mono County equally and legally while following your already in-place rules and regulations.

Please put the proper perspective on your decisions and allow Mr. Domaille to promptly proceed with his totally appropriate and much needed project on his private property. Thank you for working for and with the hands that feed you.

Most Sincerely,

  
Jeffrey P. Hansen

Cc: Mammoth Times, The Sheet

**From:** [obiged1206@aol.com](mailto:obiged1206@aol.com)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Mono Lake Project  
**Date:** Thursday, June 25, 2020 4:43:56 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern, been going to that part of the mountains for years, don't want to see it changed a bit. Leave Mother Nature alone please !!!  
Sherry Harris  
Concerned person

**From:** [Kelly Fluharty](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 9:03:59 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

The intent of this email is to urge the board to consider the damages the proposed Tioga Inn would have on the scenic nature of the Mono Basin, the safety of motorists, pedestrians and cyclists, and the impact on the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer. I implore you to listen to the public's concern regarding this project and find a moral and ethical conclusion, rather than the financial gain.

Thank you for your consideration,  
Kelly Harrison  
209-617-5419

**From:** [Hugh Helm](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 10:18:20 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Supervisors:

As a frequent visitor to Lee Vining, I am writing to express my opposition to the Tioga Inn Project as proposed. Unless modified, it substantially diminishes the beauty and scenic nature of the Mono Basin, upon which the economic vitality of the region depends.

The Mono Lake Committee has offered options to improve this project since scoping for it began four years ago that will not reduce the financial viability of the project. Yet the developer has not made meaningful changes in the final proposal that the Board will evaluate. It is up to you to protect the integrity of Lee Vining,

Thank you for your consideration.

Regards,

Hugh Helm  
6458 Stone Bridge Rd.  
Santa Rosa, CA 95409  
707-573-8700

**From:** [email4sandra](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn  
**Date:** Wednesday, June 24, 2020 9:04:57 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The approval of the Tioga Inn project will devastate the scenery and will cause harm to wildlife that call the area home.

It will stretch the capacity of the volunteer fire department, and schools. It will compromise the safety of pedestrians and cyclists.

The Lee Vining community and Mono County taxpayers should not be burdened with these impacts and the financial burdens that should be the responsibility of the developer.

Respectfully,  
Saundra Holloway

**From:** [Allen Holmquist](#)  
**To:** [CDD Comments](#)  
**Cc:** ["Virginia D. Holmquist"; "Allen Holmquist"](#)  
**Subject:** Voicing my Great Concern about the Tioga Project  
**Date:** Friday, June 26, 2020 1:17:11 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors,

I am writing to express my strong opposition to the Tioga Project. It is in the wrong place, compromises and even violates the values of the Mono Basin Community Plan, and leaves too much of the resultant costs to the people. There must be a way to accomplish the overall community purpose of the project without creating so much negative impact!

FYI, my wife and I are four decade lovers of and homeowners in the area.

Thank you for your work on the legitimate needs of the county and listening to my concerns.

Sincerely,

*Allen Holmquist, PhD*

*MFT 7718*

[www.ThePlaceWithin.org](http://www.ThePlaceWithin.org) Director

*Sliding Scale In Depth Therapy – No DMH – no contracts*

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*MFT Practicum and Internship training – Private Practice Model*

[www.LIFECounselingGroup.org](http://www.LIFECounselingGroup.org) Owner/Founder

*211 S. Primrose Ave.*

*Monrovia, CA 91016*

*626-359-4330 Exchng*

*626-483-6355 VM*

[allen.holmquist.phd@gmail.com](mailto:allen.holmquist.phd@gmail.com)

**From:** [ed hurley](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Community Housing Comments  
**Date:** Thursday, June 25, 2020 11:56:35 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The Mono Co Board of Supervisors,

My name is Ed Hurley and I am the owner of Burgers Restaurant and a forty year resident of the Eastern Sierra. I am sending this letter to you in support of the Planning Commission's 4-0 vote to approve the proposed Tioga Village workforce housing project. As a Mammoth business owner, I see first hand the need for housing for our labor force.

As I interview my new hires, my first question is "do you have arrangements for housing"? It is also the most discussed topic I have with my business colleagues.

This project would be a great asset for all the businesses in this area.

Thank you for your time and attention to this matter.

Sincerely,  
Ed Hurley

**From:** [icec002@hawaii.rr.com](mailto:icec002@hawaii.rr.com)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 1:31:33 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha mai kakou! Greetings from balmy climes.

I grew up in Yosemite, and the pulse of that earth still moves my bones. As you know, the indigenous people are part of both sides of this magnificent Sierra Crest landscape. I still travel the high country at length, happy and free to be among all my relatives.

As a land use planner, I was quite taken aback by the proposal to enlarge the Tioga Inn and its uses. The original establishment is sufficiently low-key that its prominent location has not detracted from the scene, and I can understand how the county planners would accommodate that original plan. It is locationally appropriate.

I also understand that the landowners want to get the full value of their land, although it is quite plain from the proposal that they are not thinking of the general public interest this time. What may have been true in the 1950s is no longer the case: the protracted efforts to restore the high native values is testimony to the rise of public consciousness regarding the overriding and compelling public interest of the natural world over private gain at everyone else's expense.

The dramatic public support for those natural values has been expressed over decades, and it would be an abomination to put a bullet in its head now. Your fiduciary responsibilities as trustees of the public trust are now aligned with the priceless value of this land in its restoration.

The proper location of the proposed uses is in town (Lee Vining). A transfer of development rights may be appropriate, even if, from a marketing perspective, a new location is less prestigious or marketable. Such is the standard of public value, superior to private property rights, and is supported in zoning case law. Private property owners are not entitled to cash in on outmoded expectations nor to expect privilege over the public interest. Nor are they entitled to compensation for changes in the public will, any more than they would be entitled to a windfall from a lucky change.

-- me ke aloha pumehana, Charley Ice  
'Aiea HI 96701



**From:** [Colin Ingram](#)  
**To:** [CDD Comments](#)  
**Subject:** Lee Vining affordable housing project  
**Date:** Wednesday, June 24, 2020 9:42:57 AM

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I live in a small coastal town in southern Oregon where there are literally no rentals available (excluding expensive vacation rentals). This means that there is no affordable housing for anyone who would like to work in this area, affecting both service and growth. The lack of rentals continues year round.

Over the years, I have been a frequent visitor to the Mono Basin and am well acquainted with the area. I noticed today that Lee Vining also had no rentals available. Surely at a time when housing shortages all over the country affect more and more people adversely, It is laudable that a business would want to provide housing for its workers. I hope that there is a way for this project to go forward .

Nattie Ingram  
Bandon, OR

**From:** [lynn or mark](#)  
**To:** [CDD Comments](#)  
**Subject:** Comments on Tioga Inn development  
**Date:** Friday, June 26, 2020 12:37:36 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Supervisors,

We do not support the proposed Tioga Inn development in Lee Vining. The size and esthetic of the project is out of step with the character and nature of our area. Tourism is the lifeblood of our county and this development would ruin a main scenic gateway into Mono County. The negatives of this project greatly outweigh any potential benefit. The Planning Commission should have never approved this sprawling development and we urge the Board of Supervisors deny approval of this proposal.

Sincerely,

Mark Langner and Lynn Inouye  
109939 Hwy 395  
Coleville, Ca

**From:** [Ernest Isaacs](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Cc:** [lynn boulton](#)  
**Subject:** the tioga inn project  
**Date:** Wednesday, June 24, 2020 9:19:13 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Supervisors;

I have been coming to Mono Lake from the SF Bay Area since 1965, and for a long time Nicely's restaurant in Lee Vining was the meeting place on Saturday mornings for my backpack companions. I was back here last week to visit the Lake yet again and hike in the mountains.

The attraction of the Mono Lake area is the Lake itself, the wide open vistas of sagebrush deserts, and the grandeur of the surrounding mountains. There is very little evidence of the human impact on the region, only power poles, dirt roads, abandoned cabins, occasional houses.

The Tioga Inn Project would be a blight on this landscape, not matter how hard the developer will try to hide it. There are the practical considerations. It would permanently alter the small town characteristic of Lee Vining. There are effects on wildlife. There is the question of fire danger and police protection.

But the basic problem is how the Tioga Inn Project would drastically affect those of us who come here for the beauty and supply the local population with a means of living. Don't mess with what isn't broken.

Ernest Isaacs  
Berkeley, CA 94708  
(510) 526-0711

**From:** [jf\\_iverson](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 1:41:28 PM

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I am writing as a concerned property owner with a family cabin at Mono City. We built the cabin in the late 1960's and it is a legacy from our father that several generations are thankful for. We love this area because of the unspoiled nature of undeveloped beauty that will be negatively impacted by the Tioga Inn Project. Not only will it impact the visual peacefulness that visitors have always enjoyed but will also be a strain on local resources (water, sewage, garbage, traffic flow, noise etc.). I sincerely hope this project will have restrictions to address all of these issues. Please consider how much damage will be done to such an incredible area if this project is allowed to proceed.

Sincerely,  
Frances Iverson  
Sent from my iPad

**From:** [Ruth E James](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** No  
**Date:** Thursday, June 25, 2020 8:40:43 AM

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I am adamantly against the Tioga Inn project. God's beautiful land does not need mankind's buildings to ruin it.  
Respectly,  
Miss Ruth E. James

**From:** [Tobin Johnson](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 1:03:52 PM

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Mono Lake County Supervisors,

My name is Tobin Johnson and I am opposed to the development of Tioga Inn. There is no positive environmental reason for this project.

I am a descendant of a Mono Lake Paiute, from my grandfather Ralph Parker. The consultation of the Mono Lake Kutzadika tribe is absolute.

Water pulled from Mono Lake is also an extreme concern to me, as we are known as MONO LAKE PAIUTE. I disagree with this idea completely

Thanks!

-Tobin Johnson

**From:** [Kerri Johnson](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** No on the Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 8:22:06 PM

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Please do not approve the Tioga Inn Project!

This project stretches the capacity of local schools and the volunteer fire department, and saddles the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer.

Thank you,

Kerri Johnson

(I've lived and worked in Lee Vining and the local vicinity and care deeply about the area and its people and beautiful landscape).

--

[Kerri Johnson, Ph.D](#)

Geomorphologist

Postdoctoral Scholar

University of California, Berkeley

**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Vote No on the Expanded Tioga In Plan  
**Date:** Thursday, June 25, 2020 8:43:13 AM

---

Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
Mono County  
760-932-5538  
sdedman@mono.ca.gov

Effective March 19, 2020, the Office of the Clerk-Recorder/Registrar of Voters/ Clerk of the Board has suspended in-person services due to the COVID-19 outbreak.

For questions about how to access services at this time, please contact:

Clerk-Recorder: 760-932-5530, [clerkrecorder@mono.ca.gov](mailto:clerkrecorder@mono.ca.gov), <https://monocounty.ca.gov/clerk>

Elections: 760-932-5537, [elections@mono.ca.gov](mailto:elections@mono.ca.gov), <https://monocounty.ca.gov/elections>

Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

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**From:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Sent:** Wednesday, June 24, 2020 4:46 PM  
**To:** Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>  
**Subject:** Fw: Vote No on the Expanded Tioga In Plan

Thank you,

**SHANNON KENDALL**

Mono County Clerk-Recorder-Registrar-Clerk of the Board  
P.O. Box 237  
Bridgeport, CA 93517  
Office: (760) 932-5533  
Cell: (760) 616-0600  
Email: [skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

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**From:** Ron Kaminkow <[ronkaminkow@yahoo.com](mailto:ronkaminkow@yahoo.com)>  
**Sent:** Wednesday, June 24, 2020 4:45 PM  
**To:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Subject:** Vote No on the Expanded Tioga In Plan

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Dear Mono County Board of Supervisors:

I have been a visitor to Lee Vining and Mono Lake since moving out to the Reno area in 2006. Prior to that, my mother visited the area numerous times in the 1980s and 1990s. She was very concerned about the health and the future of Mono Lake, and she got involved in the effort to protect it. I agree with her that the Mono Lake basin is a very special place.

It has now come to my attention that this natural wonder is threatened with a major development that would alter the face of the community of Lee Vining, and potentially open the door to further development which would erode the unique character of this area.

I understand that the developer is proposing that the project be accepted with a host of negative impacts upon the community and the environment. While the developer and the large property owners may benefit economically, the majority of the population will suffer and be saddled with endless expense for years to come. The negative effects upon the scenic beauty of the area, increased traffic, congestion, air pollution and accidents, and a dramatic increase in the town's population, are just a few of the detrimental effects such development would have.

I urge the Board of Supervisors to ignore the recommendation of the Mono County Planning Commission and vote down the Tioga Inn Specific Plan Amendment and Subsequent Environmental Impact Report (SEIR).

Yours sincerely,

**Ron Kaminkow**  
**10265 Mogul Road**  
**Reno, NV 89523**  
**608-358-5771**

**From:** [Claudia Keith](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 9:34:49 PM

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My family were original settlers in LeeVining. My grandparents, Avis and Peter Gilli, built the El Mono Hotel in 1925. As a result, I have a deep connection to this area. I am appalled that you have granted Initial approval to a project that is opposed by so many in the community. Although I agree that housing is needed, this project will distract from the history and ambiance of LeeVining. It also appears to create problems for LeeVining in terms of traffic, schools, and fire protection for which the developers bear no responsibility. I urge you to reject this project as it currently stands.

Claudia Keith  
6104 Preston Court  
Bakersfield, CA 93309

Mono County CDD  
Received 06/26/2021  
m. Bell

**THOMAS M. KELLER**

P.O. Box 70133  
Seattle, Washington 98127

June 20, 2020

Mono County Planning Commission  
Wendy Sugimura  
CD Ritter  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Tioga Inn Project

Dear Mono County Planning Commission:

I want to add my voice to the hundreds, perhaps thousands you have already heard from opposing the above-described project in its present form.

My grandfather and grandmother were early settlers in the Mono Basin. My step-grandfather Chris Matley was a major rancher in and around Lee Vining in the early 20<sup>th</sup> century—a street in Lee Vining is even named after him. My grandmother Anna (Keller) Matley donated the land on which the current Lee Vining elementary school is located. The Keller family's water rights were part of those stolen by the City of Los Angeles and immortalized in the movie *Chinatown*. My parents, brother, sister and several aunts, uncles and cousins are buried in the Mono Lake Cemetery. In short, our family has a significant and long-term relationship with the Mono Basin.

While I am fairly new to the controversy surrounding the above-described project, my career as a lawyer in Seattle for 40 years provides me with a perspective concerning this project that perhaps not everyone you have heard from thus far may have. I have reviewed the letter of Winter King to you of April 14, 2020. If only a fraction of the objections as contained in that letter are valid, the Planning Commission and Board of Supervisors are inviting years, if not decades, of litigation if you approve this project to go ahead as proposed.

It is obvious to even a casual observer that a project of this magnitude will have significant and permanent adverse impacts on everything from the current beauty of the night sky over the Mono Basin to the more practical, but nonetheless important issues of traffic, safety, congestion, pollution, wildlife degradation, fire control, education, etc. I predict that no court will find this project as presently constituted consistent with the Mono Basin Community Plan, or in conformance with the CEQA. Whenever you propose to double, triple or even quadruple the population of an entire area as a result of a single project, these likely negative impacts should come as no big surprise.

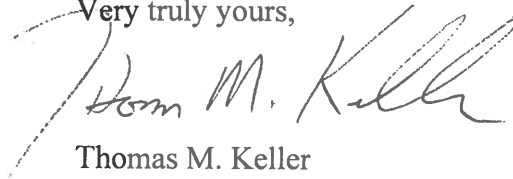
In short, I would encourage you to re-think your tentative approval for this project as presently proposed. Perhaps a much smaller-scale project could meet many of the objections of

Mono County Planning Commission  
June 20, 2020  
Page 2

the current stakeholders. But if you approve this project to move ahead as it is currently proposed, I think you will find a majority of the Lee Vining community and especially the Mono Lake Committee to be formidable and tenacious adversaries, as evidenced by their successful and years-long litigation against the City of Los Angeles and State of California over the diversion of the waters flowing into Mono Lake.

The Mono Basin is one of the most unique places remaining on this planet. We all have an obligation to protect it.

Very truly yours,

A handwritten signature in black ink that reads "Tom M. Keller". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas M. Keller

TMK  
Cc: Mono Lake Committee

**From:** [Joe Kiskis](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Comment on Tioga Inn project  
**Date:** Friday, June 26, 2020 12:40:00 PM

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Comment on Tioga Inn project

I am opposed to a project of this size in this location. My name is Joe Kiskis, I live in Davis, California. The successful effort to protect water levels in Mono Lake is one of the all-time great environmental victories. I am very grateful for those who began and now maintain the effort. The first time I was in Lee Vining and saw Mono Lake was as a child on a family road trip in the 1950's. Since 1966, I have been coming to the east side of the Sierra and visiting Lee Vining and Mono Lake on a regular basis. I have made such trips at least forty times. Every time it is a thrill to get the first view of the lake from the Conway Summit. It's a beautiful view from there and even more so from the Mono basin visitor center and other points on 395, and even better from a kayak on the lake. It's unique and impossible adequately describe in words. So it's always a pleasure for me to bring someone who has not been there before and to see how they are awed when they first see it. Every time I am there, I meet people from other countries who have come to see Mono Lake. These views are treasures that must be preserved. Thank you.

**From:** [John Kozak](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 7:59:36 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

As a regular visitor to the Yosemite and Mono Lake area, I would like to request that the Mono County Board of Supervisors reject the proposal for the Tioga Inn project. You have the privilege of living in what I consider to be one of the most beautiful places in the country and this project will add nothing to the natural beauty of your home and may even cause irreparable damage to it.

I'm also afraid that if this project is approved it may also open the door to other development projects. Any short term benefits of these projects will be eclipsed by the long term damage caused.

Please reconsider and reject this proposal. Protect and preserve the beauty and natural resources of Mono County.

Thank you,  
John

**From:** [Judy Larquier](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** NO to development of the Tioga Inn Project  
**Date:** Friday, June 26, 2020 12:32:33 PM

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Please vote NO to the development of the Tioga Inn Project.

This project will have many negative impacts on the local community and surrounding environment. This will affect many local services without providing for the incurring financial costs. These include increased service levels of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists and the traffic safety at a major highway intersection.

The significant increase in activity will impact the local wildlife and be detrimental to the local area's scenic and environmental values which include many economic impacts for the town of Lee Vining.

The local Community Plan recognizes the real need for workforce housing, appropriate affordable housing, and a sustainable economy with diverse job opportunities and was developed and adopted to establish how sensible development should occur within the Mono Basin,

The existing proposed project size and location creates significant expensive and complex problems that have not been adequately expressed.

While this project has its merits it should be sent back to the Developer to work with the community on a redesign that mitigates the many significant impacts on the local community and environment.

Judy Larquier  
795 Pawnee St.  
Carson City, NV 89705  
[judyLARQUIER@gmail.com](mailto:judyLARQUIER@gmail.com)

**From:** [Quentin Lawrence](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn project  
**Date:** Friday, June 26, 2020 9:24:28 AM

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Honorable Mono County Board of Supervisors,

I write to you to speak to your better nature.

The Tioga Inn Project as is, is wrong for the Mono Lake Basin.

I am sure you are aware of the incredible treasure the entire Mono Basin is to the entire planet not just California or the USA. The idea of disrupting that particular landscape with the proposed development would be a crime. It is up to you to stop it.

During this time of human isolation, it has become more apparent just how important these landscape treasures are to human health both physically and mentally. The people who love this basin should not have to give it up so that a few may benefit financially.

I leave you with quotes from my Mother, Andrea Mead Lawrence, who would have opposed this project.

“The way you start solving problems is by going into ourselves and finding the meanings of what we’re doing for us personally, because those reactions and feelings are basically universal. That is where I come from and I think that’s our assignment as people in dealing with the future and what happens in mountain communities. Because, well there’s no because to that”

“I would like to suggest to all of you that I think is not absolutely appropriate, but it is very acceptable at some time to say, “no.”

“God did not make the Sierra Nevada as a lot and block subdivision and we shouldn’t be dealing with it that way.”

Sincerely,

Quentin Andrea Lawrence

Haymarket, Virginia



**From:** [Anita Lewis](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Please no Tioga Inn  
**Date:** Thursday, June 25, 2020 7:34:58 PM

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- 1) There are plenty of places to stay already, in Lee Vining and June Lake Loop.
  - 2) It would ruin the scenic view. Once you ruin the geography there is no way to correct it.
  - 3) It would create a traffic hazard at the intersection of highways 120 and 395.
  - 4) People couldn't get there anyway with COVID-19 shutting down 120 in Yosemite. If you don't believe me, check the current Yosemite National Park website.
- Respectfully submitted, Anita Lewis I love the Sierra.

**From:** [Mark Lewis](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Comments for Public Hearing on Tioga Inn Project  
**Date:** Thursday, June 25, 2020 6:53:27 AM

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Dear Mono County Supervisors,

Quite simply, the Tioga Inn Project (Project) as currently proposed will completely and adversely change Lee Vining and the Mono Basin forever. "Progress" is inevitable, and often brings with it positive change and benefit to the existing community. This Project may benefit a select few, but has adverse impacts on the community and surrounding areas that far outweigh any potential public benefit.

I have enjoyed over thirty years of staying in Lee Vining on numerous ski and backpacking trips to the eastern Sierra. Eating quiet dinners at Nicely's, grabbing a breakfast at the Mono Market and then having one of the most beautiful drives in the eastern Sierra to get to the mountains will be forever changed. In one project, Lee Vining will transform in negative ways well documented, and others we can't predict.

You have the opportunity to help manage the progress in Mono Basin, or allow it to be completely transformed, by this one Project. Please send this back to the drawing board for revisions to make it consistent with the Mono Basin Community Plan.

Respectfully,

Mark Lewis  
28 Fox Chase Lane  
West Hartford, CT

A southern CA resident from 1987-2018, and an ongoing eastern Sierra visitor

**From:** [Patty Linder](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 1:54:22 PM

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This project, as it stands, will damage the scenic nature of the Mono Basin, compromise the safety of motorists, pedestrians and cyclists, stretch the capacity of local schools and the volunteer fire department, and saddle the Lee Vining Community and Mono County taxpayers with impacts and financial burdens that should be the responsibility of the developer. This project shouldn't move forward until these concerns are addressed and mitigated.

Regards,

Patty Linder  
839 Bend Avenue  
San Jose CA 95136-1804

**From:** [Haven Livingston](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Cc:** [elin@monolake.org](mailto:elin@monolake.org)  
**Subject:** Please vote no to the Tioga Pass project  
**Date:** Thursday, June 25, 2020 4:21:14 PM

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To whom it may concern,

I am writing to you to ask that you please vote no on the proposed Tioga Pass project to develop near the Mobile station.

I have enjoyed visiting this area since the early 1990's when I first came to study the ecology of the area with a UC Santa Cruz field class. I have since returned to the Mono Basin nearly every year to camp, hike, birdwatch, talk with people in the visitor centers, climb and marvel at the natural beauty of the area. A huge part of the draw for me is the limited amount of development. Open space and limited visual impact is a necessary part of human mental health and to help connect us to our natural world.

This area is also ecologically significant and full of sensitive habitats including dark night skies, rare amphibian habitat and migratory birds. There will be irreversible harm caused to the surroundings including cumulative impacts on the mule deer herds and other wildlife with this project.

The size, visual impact, traffic impact of this project is completely out of step with the needs of the local environment and community. Local housing is needed in the area, but this development does not guarantee affordable long-term family units and will likely exacerbate the housing shortage for local workers. It will be an eyesore for all and a bankroll for very few. Please consider what is truly best for the one-of-a-kind landscape and community that is the Mono Basin and vote no to the Tioga Pass project

Sincerely,

Haven Livingston

Santa Cruz, CA

June 23, 2020

Mono County Supervisors  
Bridgeport, CA

Re.Tioga Inn Specific Plan Amendment

Dear Supervisors Corless, Stump, Peters, Gardner and Kreitz:

This letter contains my comments and observations regarding the Tioga Inn Specific Plan Amendment for workforce/affordable housing. As you are aware, I serve on your Planning Commission and recused myself from participating on the issue at the Planning Commission level due to the competitive/cooperative nature of my business relationship with the applicant and his business. I did, however, listen to the discussion and comments at the May 21 Planning Commission meeting. I agree with the decision of the Planning Commission.

My first observation is that nearly all the comments made seem to view this proposal as a stand-alone project rather than the amendment that it is. The impacts that should be considered are limited to those unique to the proposed housing project. The remainder of the Specific Plan calls for the development of a large hotel edifice on the property and a sprawling restaurant on a prominent bluff designed to provide diners with a vast panorama of the Mono Basin. Impacts for these developments have been already been considered, debated, and mitigated and should not be relitigated.

I note that most of the comments and objections did not change after substantial modifications were made to the initial DESIR to address those concerns. Indeed, new objections were raised by the construction staging plan contained in the Preferred Alternative 6. The actual preferred alternative for many seems to be to terminate the entire project save the existing gas station/store/café. If the objections are indeed the same, then I propose that the original plan contained in the June 2019 be approved rather than the new Planned Alternative 6 to mitigate the concerns of staged construction.

The employee crisis in the County is severe – in my community it is critical. If either the restaurant or the hotel is developed without the additional housing, and that is what is being considered, where would the employees come from? First, they would poach staff from existing local businesses, further constraining the operations of established businesses, limiting the growth of those businesses, and prohibiting the development of other independent businesses. Imagine even more empty storefronts in Lee Vining. Second, they would draw employees from surrounding communities and create a commuter class, increasing traffic and greenhouse gas emissions. A large paved parking lot would have to be developed adjacent to these facilities to accommodate this commuter class, increasing the visual impact of the project to travelers coming down Tioga Pass.

The Lee Vining community through its RPAC has sought to create housing within the existing footprint of the town for the past 20 years. There is land available, but the school district, Caltrans, LADWP, and other institutional landowners have bluntly rejected our appeals. Some

commercial space has been converted to housing, and efforts continue, but the housing crisis needs this solution now.

Many comments have repeated the allegation that the project is somehow beyond the capacity or ability of local first responders. I have been a firefighter, EMT, training officer, and Captain of the Lee Vining Fire Department, and I find such allegations insulting and condescending. I do not know what sort of call the commenters are referring to, but the Lee Vining Fire Department is available to respond to whatever need presents. There are many facilities that might be beyond the ability or capacity of the LVFD to handle in a given scenario: the schools, the airport, the Edison transfer station, the US Pumice plant, and others. While I would not include a housing project in this list, Mono County relies on a system of mutual aid so that our local responders are never isolated. These comments ignore our system which has proven effective not just here but throughout rural America.

The lack of pedestrian connectivity between the project and the community of Lee Vining is cited as another reason to deny the Amendment. Connectivity issues have vexed the community for years. The RPAC has long sought to provide a safe pedestrian route from Lee Vining to Lee Vining Canyon and even Yosemite National Park. Solutions are elusive mainly due to the complex land ownership in the area which include LADWP, SCE and state and federal agencies. When Caltrans proposed the lane widening project south of Lee Vining in the early 2000s, it included not just tall retaining walls but a wide underpass of 395 that included a pedestrian path along Lee Vining Creek. The applicant should not be required to ameliorate Caltrans' broken promises and inability to address the community's long-standing requests. The RPAC continues to seek solutions.

Visual impact seems to accumulate the most comments. If the goal is to minimize the visual impacts of a project in the Mono Basin, then I believe that the site of the housing project is ideal. It is completely hidden from travelers entering the region from Yosemite via Tioga Pass. Nor is it visible at any time to southbound drivers on 395. The only highway users that will see the housing project are those going northbound on 395. At that point on the highway, my view is usually diverted the other direction, towards the beauty of Mono Lake. But if drivers do look up and left, perhaps the sight of the structures will alert drivers that they are entering a community and cause them to slow down before entering Lee Vining – another long-term aspiration of the community.

Much is made of the visual impacts of this project from the developed recreation area of South Tufa. The proponent has demonstrated that such impacts are *de minimus* by virtue of the angled sight lines, the sage-covered hill that is the background, and the sheer distance between these locales. I would add that at no time are visitors at South Tufa looking towards the project. When beginning an exploration, they are walking towards the lake, gawking at the tufa to the north as they approach. At the lakeshore, they are examining the tufa towers, watching the birdlife, staring down at the brine flies and shrimp, and gazing dreamily at the desert island. If they continue on the developed path, they will enjoy a view of the vast emptiness to the east. When they return to their vehicles, they will marvel at the sandy slopes of Mono Craters. If the mountains are viewed, it is the snow-capped Sierra Crest that draws the eye, not the sagey foothills below.

I am probably the most prolific recreational user of Mono Lake. Only the shrimp catchers and canoe guides get out on the lake more than I do. In the past several years, I have spent extensive time paddling and rowing on Mono Lake, both for exercise and exploration. I have circled Paoha

and Negit Islands, climbed into Krakatoa, and explored the ruins of the Goat Ranch and the sanitarium at hot springs cove. When I'm on the water or on an island, I'm not looking at where I came from: I'm focused on the amazing sights and beauty of Mono Lake. Mostly, I'm hoping to catch sight of a grebe startled into a dive, an Osprey returning to its nest clutching a trout, a flock of avocets flowing together. I'm also watching the textures of the water to see if wind patterns are beginning to change or rise. I imagine that someday I might look for and spot the approved hotel and restaurant, but I don't think I will ever notice the proposed housing project while recreating on Mono Lake. I do not believe that this project is a threat to or even relevant to the Mono Lake experience.

I consider myself a great defender of Mono Lake and I will forever remain so. It started when I was kid puzzled at sight of the dry sand of Rush Creek under the highway. I celebrated the success of the campaign to Save Mono Lake on the Victory Ride (from DWP HQ!) in 1995 after finishing law school. I am in business here in large part to ensure the Lake is protected and restored and to support those who share that value. I do not believe that this project is a threat to or even relevant to the protection and restoration of Mono Lake.

Thank you for your consideration of my comments and thoughtful deliberation of this important project.

/s/

Chris I. Lizza

**From:** [stevie love](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 6:24:18 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors,

Please consider the impacts to the stunning Mono Lake area, and make that your priority.

Thank you,  
Stephanie Love

~\*~ *Stevie*  
[www.stevielove.com](http://www.stevielove.com)



**From:** [Kathleen Lucas](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn proposal  
**Date:** Thursday, June 25, 2020 10:10:08 PM

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I have been spending time in Lee Vining for over twenty five years. It's magic provides Healthy air, calming sounds, and a peacefulness not found elsewhere.

The Tioga Inn project would Drastically change all of that. The impact of construction, need for enhancing infrastructure, pollution of noise, congestion and people would all drastically change this "little piece of heaven".

Please do not allow this development to proceed. There was a reason it was denied all those years ago. Those reasons remain valid today.

Thank you

Kathleen Lucas

**From:** [mountan6@gmail.com](mailto:mountan6@gmail.com)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 2:44:20 PM

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Dear People,

Once again, I'm writing to ask you to deny permission for the Tioga Inn to be built.

To spite the fact that suggestions have been made to the plans, which would mitigate the negative effects of the plan on the environment & landscape, no such adjustments have been made.

As a longtime visitor to Mono Lake (70 + years). I've participated in local, annual events, enjoyed supporting the local businesses, and appreciated the nighttime sky clarity & beauty. The local character (and characters) are part of the area's charm, quiet, folksy and personal.

This project is based on the desire for profit, and not for the benefit of the area, it's wildlife, opportunities for scientific study or inhabitants. It is ill-planned and unnecessary to Mono County.

Sincerely,

Anne Lyon

Grass Valley, CA

Sent from my iPhone

June 23, 2020

Re: MONO COUNTY BOS HEARING, JUNE 29-30, 2020 ON THE FINAL SUPPLEMENTAL EIR  
FOR THE TIOGA INN PROJECT

Dear Honorable Members of the Mono County Board of Supervisors,

As a 36 year resident and property owner in the Mono Basin and Lee Vining, I have filed numerous comments over the years on this proposed project. I continue to ask that this project be rejected in its current form.

Below please consider key issues which I believe the "Final" document continues to ignore or to not adequately address.

THE TIOGA INN SPECIFIC PLAN AND EIR OF 1993 MUST BE REOPENED FOR REVIEW OF  
THE ENTIRE PROPOSED PROJECT AND NEW ALTERNATIVES DRAFTED

The Specific Plan for the Tioga Inn of 1993, approved twenty-seven years ago is a proposed major commercial development never realized, a moving target of sketches and dreams, but now being used as a justification and request for additional approvals of an even grander scope and altered purpose. In that generational span of 27 years, the surrounding landscape and conditions have changed profoundly, yet the Specific Plan is considered sacrosanct, even though numerous amendments to the original proposal have gone forward with a fragmented review and approval process.

Now the call for an "essential" action in the creation of "community" housing is threatening to push for rubber stamping of this juggernaut commercial development. Yes, today's need for affordable housing and year-round employment for the Mono Basin Community is real and urgent. But is the newly expanded Tioga Inn proposal the answer to this problem? A considerable public voice says: "No!"

The Supplemental EIR is fatally flawed because it does not consider the proposed Tioga Inn Project IN ITS ENTIRETY, assuming that the hotel and restaurant are a *Fait Accompli* when in reality that part of the project is purely speculative and highly unlikely to ever break ground. An up-to-date economic analysis would have revealed that the business model for this development cannot be realized because it is impracticable and infeasible. But no economic analysis was done. Furthermore, the cost of attempting to mitigate the significant adverse impacts of the development would be born by Mono County and the Mono Basin Community for years to come.

In nearly three decades this "entitlement" part of the development was never successfully marketed to investors or outside development interests. Why? The proponent himself could tell you that it is financially infeasible to keep even his existing business, the Whoa Nellie Deli, open year-round. Given the geographic isolation of Lee Vining, the annual closing of Tioga Pass more than 6 months of the year and the treacherous roads to the ski towns of June Lake and Mammoth Lakes, it is undeniable that the Mono Basin is a seasonal resort community only. These constraints close down all but one restaurant and two hotels for the winter in Lee Vining. With a lack of clientele in winter, the costs of keeping the development roads and parking lots plowed and the facilities heated would be major and the carbon footprint would be high.

In summer, a glut of tourists might be drawn to an all-inclusive resort marketed as the gateway destination to Yosemite and Mono Lake. Environmental impacts aside, the question is-would

any investors or developers in their right minds lay out the financial commitments to build, maintain and accept the year-round losses of such a risky enterprise?

More likely, the proponent, realizing the futility of selling his original entitlement to investors or other interests, has decided that the real profit to be made is in the creation of this new workforce housing project, marketed as the solution to the severe housing shortage created by Mammoth Mountain and Yosemite National Park, a concept that would appear to largely bail out the jurisdictions of Mammoth Lakes, June Lake, Yosemite and the Mono Basin from needing to create more housing in their own communities.

The ramifications of creating a housing development hub far from the centers of employment are many, among them: an increasing and costly strain on essential services provided by the community of Lee Vining, transportation costs and risks, challenges for employees to travel to other county jobs in winter, hazards to pedestrians, separation of workers and their families from their communities and the visual blight impairing the viewshed that draws visitors here in the first place.

Because the Subsequent EIR fails to analyze the economic setting of this proposal, fails to look at the ramifications of proposal in the context of the entire development-it sets up a false context for decision makers with false promises of benefits to the local community.

We have been down this road before. When Mono County approved an out-of scale, sprawling speculative resort development for Conway Ranch, it created a costly scenario that the county is still coming to grips with decades later.

An appropriate EIR would provide the full and realistic disclosure of the environmental, social and economic impacts of the Tioga Inn development as proposed and a range of Alternatives that truly meet the needs and provides true mitigation for the Lee Vining Community and the Mono Basin environment.

Mono County and the Mono Basin community need to get back to assessing the true housing needs and potential solutions for this community. Proposals need to be consistent with the Mono Basin Community Vision and Plan.

#### WHAT IF THE TIOGA INN PROJECT CAME TO YOUR GATEWAY?

Please consider for a moment; what if the Tioga Inn Project in its fully proposed built out was to be situated at a key entryway to your community?

Say the Tioga Inn Project was to be plopped down on the Twin Lakes Road just outside of Bridgeport, interfering with the glorious view of the iconic Sawtooth Range?

Or if it was to be placed on Highway 158 before you get to June Lake, intervening with the majestic view of the Carson Peak escarpment?

Or if it permanently appeared in the foreground of the majestic White Mountains in Benton, or next to the community of Chalfant, or on the tranquil shores of Crowley Lake?

Only in the dense folds of forests of Mammoth Lakes have developments of similar scale been accommodated with less visible impacts.

But a sprawling two story hotel and parking lot, an unscreened ridge top restaurant and a 150 unit housing complex at the base of Highway 120, the Gateway to Tioga Pass and the grand

Dana Plateau of Yosemite? Would that not be a jarring intrusion to this beloved viewshed, one that attracts thousands of visitors, many of whom have voiced their alarm to you?

If it doesn't belong in your community's viewshed, why does it belong here?

#### THE TIOGA INN PROJECT WILL CONTRIBUTE TO THE DETERIORATION OF THE GATEWAY TO YOSEMITE NATIONAL PARK, LEE VINING AND MONO LAKE

Human-caused direct and cumulative impacts within the Highway 120 corridor and junction with Highway 395 have been steady and numerous since 1993. In addition to the thousands of burnt acres due to human-initiated wildfires, these changes include:

- The Highway 395 four lane widening project with containment walls, built in 2004,
- Increases in traffic, light pollution and dispersed camping from the Whoa Nellie Deli.
- The Lee Vining Airport Runway Expansion of 2010,
- The Southern California Edison Substation Rebuild Project, currently underway,

What do these projects have to do with the proposed Tioga Inn Project?

They illustrate a steady, dramatic deterioration at a key intersection of state highways in Mono County that are the Eastern Sierra Gateway accessing Yosemite National park, the Mono Basin National Forest Scenic Area, Lee Vining Canyon and the community most associated with these national landmarks, Lee Vining, California.

They are repeated examples of inadequate disclosure of scope and scale of projects, failure to fully analyze significant and cumulative impacts of a project, projects going forward without meaningful mitigations and agencies and contractors making major changes to the physical footprint and design of a project after its approval and during construction.

The results of these flawed and fragmented approaches to project approval and implementation have been alarming and cumulative: they include major permanent visual scars and visual blight on the landscape, destruction and degradation of biodiversity, habitats and migratory corridors, severing of human connectivity to Lee Vining Creek, increasing traffic speeds and hazards to pedestrians and an overall decline in the livability of our community.

Would the Tioga Inn Project be the last straw?

#### ALTERNATIVES OFFERED BY RESIDENTS AND VISITORS FOR A SMALLER SCALE PROJECT MORE APPROPRIATE TO WORKER, RESIDENT AND VISITOR NEEDS HAVE BEEN REJECTED WITHOUT REAL CONSIDERATION

While some downsizing and orientation changes have been added to the recent Tioga Inn proposal, the housing increase from 80 (in 2016) to 150 units only magnifies the inevitable adverse impacts.

In lieu of the proposed project citizens have suggested:

-An extended stay campground charging modest fees for seasonal workers who cannot afford rentals due to the seasonality of their employment.

-A nightly campground for tourists and the clientele who gravitate to the musical events put on in the summertime at Whoa Nellie Deli.

-A small addition of truly “affordable” housing that would accommodate the existing employees and their families from the Whoa Nellie Deli.

-Approval of Phase One of the housing project only, with essential mitigations paid for by the proponent for fire escape roads, traffic calming and pedestrian safety measures, community services, deer migration solutions, visual and light pollution prevention, etc.

-No earth moving or grading beyond that required for the footprint of Phase One and tying any further earth moving and grading for subsequent housing complex phases to completion of the Hotel and Restaurant.

The current proposal to complete all the grading during Phase One for the full build out is unacceptable. The swath of denuded bare ground and stockpiled soils subject to wind erosion, dust dispersion and weed infestations, not to mention habitat loss, would be tremendous. For weeds “control” for 5 years is scheduled. We assume this means the use of herbicides-also unacceptable. Herbicides not only don’t work, but the prospect of acres of poisoned earth in the middle of the Lee Vining Creek watershed is unprecedented and should be prohibited.

Thank you for the opportunity to once again share these concerns. As a long-time member of the Mono Basin RPAC, I am well aware of the challenges that your Board faces and the complexities of moving forward. I ask that the Board serve the interests and rights of its constituents as well as those of developers. The community has worked hard over many years to find consensus in community planning efforts and to vocalize those rights, often in the face of working with agencies over-whom we seem to have little control.

Sincerely,

Ilene Mandelbaum  
PO Box 89  
Lee Vining, Ca 93541

**From:** [cassie and alison may tudor](#)  
**To:** [CDD Comments](#)  
**Subject:** Opposition of the Tioga Inn Development  
**Date:** Wednesday, June 24, 2020 8:35:59 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono Lake County Supervisors,

My name is Cassie May and I am writing to oppose the development of Tioga Inn. The night sky, sound scape and scenery would be severely impacted. It is also deeply disrespect to develop without consultation of the Mono Lake Kutzadika tribe.

I am also deeply concerned about the amount of water that would need to be diverted from Mono Lake. It is time to stop reckless development, not create additional pollution to the area. In addition wait times to get into Yosemite would only be increased without adequate shuttles.

Sincerely,

Cassie May

Sent from the road.

**From:** [Kevin McKinney](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 6:58:36 PM

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Dear Mono County,

I am writing about the proposed Tioga Inn project. Please do not allow this development to move forward. As a homeowner in Mammoth Lakes I would like the existing open space in Mono County to be preserved as such. The area around Mono Lake is special and should be preserved for future generations. One hundred new residential units will have significant impacts on the local area. Lee Vining is currently a small, largely seasonal community. The developer of this property will significantly change the area, increasing traffic, polluting the night sky, destroying vistas, and negatively impacting local community services. The size of this development is too large and should not be allowed to proceed.

Sincerely,  
Kevin and Kathy McKinney  
78 Jahan Dr  
Mammoth Lakes, CA 93546



**From:** [Joan McNerney](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 10:54:57 PM

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The fact that developer shows no interest in arbitrating development of property, leads us to believe Board of Supervisors has only one choice: DENY!!!

Just because we are second homeowners, we own three properties, and we have plenty to say about what is best about the future of our beloved neighbors and what is best for them and us.

Dennis and Joan McNerney  
798 Minaret  
June Lake, CA

Postal address: 10312 Overhill Dr., Santa Ana, CA 92705

Sent from my iPad

6/21/2020

Mono County Board of Supervisors  
P.O. Box 715  
Bridgeport, CA 93517

Dear Mono County Board of Supervisors,

My name is Caelen McQuilkin and I am 18 years old. I was born and raised in Lee Vining, and have attended its schools from preschool to twelfth grade. I am writing because of my deep concern about the results of the April 16th Planning Commission Meeting, which ended in a 4-0 vote approving the Tioga Inn Project proposal.

In the public comment period, 120 people--ranging from generations-old Lee Vining families, to frequent visitors with a strong connection to the area, to immigrants beginning new lives in this town--spoke on their connection with the landscape and community of Lee Vining. Almost every one of these commenters opposed the project, their concerns including the plan's impact on local schools, its hindering of local services such as the volunteer fire department, its contradiction of the Mono Basin community plan, and its failure to provide any guarantee of affordable housing for locals. Many commenters raised creative ideas for amendments to the project that would help mitigate these negative impacts. Every one of those comments, I thought, shone with care, rooted in concern about the project's impact not on individual desires or needs, but those of the community as a whole—its families, its tourism-based economy, its students, its world-famous views and charming small-town character. I found it beautiful that this vast number of people went out of their way to speak up in the name of something bigger than themselves. I was so proud to speak as part of this group.

But then the meeting ended with the 4-0 vote and the disheartening realization that no matter how diplomatic, passionate, or compelling the comments were, the planning commission didn't appear to have much hesitation in writing them off. From a board of four people who do not live in the town of Lee Vining, it stung to hear the casual dismissiveness that "less than 10 people seemed to have original thought on the matter," (Dan Roberts) or that all the worries we had presented about the project were nothing more than the patronization that "change as a community is difficult" (Roberta Lagomarsini). Of

course, change as a community is difficult. But change dismissive of the community it is being imposed upon is the type of change that many would characterize as intolerable.

The commission's misinformed vote left me with the realization that many influential members of our county lack knowledge about the town of Lee Vining. I know that on June 29th, this project will move before you as the Mono County Board of Supervisors, and I trust that you will make a far more informed decision. I want to help you in this by offering some of what I know as a life-long resident of Lee Vining.

Let me begin by saying that the five other Lee Vining High School (LVHS) students who I graduated alongside last year feel like my family. I know this year's graduating class of seven felt the same--it was clear in the smiles on their faces as they paraded through Lee Vining after their ceremony, with what felt like the entire town outside to cheer them on. Our high school makes our town proud. It makes our town proud in its hard-working teachers, dedicated students, connections to the community and local advocacy. LVHS, which thrives by virtue of its small size, is mostly successful because of the trusting relationships forged between teachers and students, and the easy accessibility of resources. All students are pushed to do things like take AP classes, take part in the school drama production, become a member of the student government, and play sports. We take whole-school camping trips to Yosemite, research and write speeches about topics we care about, travel to see plays, and tour colleges. All of these activities—which represent just a sample of what LVHS does for its students—are only possible because of the school's small size, which enables us to fund these activities and create a supportive, encouraging school that feels like a family. The Tioga Inn Project proposal predicts that the population of LVHS will be increased by 28 students, or a 50% increase from the current population (and a 100% increase from its size my sophomore year). Having been very involved in the LVHS community for four years, I know that the school is always very welcoming of new students. But this predicted change would increase the school's population by such a number that it would struggle to provide any of the rigorous and creative educational programs it currently offers.

It is these rigorous and creative educational programs that support all LVHS students in pursuing education beyond high school. Many of these students become the first in their family to do so. For example, from 2015-2019, 80% of LVHS students have earned a 2-year or 4-year degree, or are still in college. Only 20% have dropped out or never attended. The majority of this 80% pursuing or reaching

college education are the first generation of their family to do so. We don't see this same trend in larger schools, where it is far easier for underprivileged students to fall through the cracks. As an alumni of LVHS, I am scared that our school—which doesn't even have a classroom that holds many more than 20 students—would become the stereotypical poor, low-achieving rural high school if its size was increased by the amount that the FSEIR predicts.

Extending beyond the high school, the entire community of Lee Vining is diverse, tightly-knit, and supportive. Over my winter break from college, I interviewed six different Lee Vining residents for a speech that I wrote on justice in America. In speaking to these community members, who ranged in educational backgrounds, political beliefs, incomes, and ethnicities, I heard stories and remarks that expanded the understanding of Lee Vining that I've held since I was little. A large part of the value of Lee Vining's size, I realized, is that it binds people together across their differences. As expressed by both a white Republican and a Latinx immigrant in our interviews, "people here look out for you," and "because it's a small town... it's true, everyone in this town is pretty friendly... I know everyone in this town, and I think they know me too and I feel good." The kindness shared between all people in Lee Vining produces a community whose members listen to and attempt to empathize with one another. Thus, "with the diversity of the community, it requires that you are super flexible," as another Latinx immigrant I interviewed put it. This "flexibility" can be translated to the quality of empathy, which pushes us to encompass at least some bit more of the endless complication of this nation we live in, pushes us to stop and think, imagine if I was living the life of this person in front of me.

Starting as a freshman at Amherst College this school year, I faced challenges ranging from my rigorous classes to forging relationships with people different from me. But I quickly began to realize just how well the community of Lee Vining had prepared me to face these challenges and grow as a person. I am proud to say that Lee Vining has shaped me into the person that I am today. I think that the impact this town and its schools have left on me and my friends is something really special and unique, and I want my little sisters to experience it too.

As the Tioga Inn plan is currently laid out, it has the potential to double our community's population. This is such a significant change that it could entirely uproot that empathy and general atmosphere of small-town charm and kindness. The abruptness of this doubling and the fact that the development is isolated and unsafe to walk to from town would make this transition even more difficult,

especially for young residents who can't drive there. The amended FSEIR report responds to comments like this by stating that: "There is no uniform definition for a small community but it is generally understood to be a population of less than 10,000 residents... Even with 300 new residents on the Community Housing site, Lee Vining will continue to embody these general 'small town' characteristics." This statement is both a gross misinterpretation and a clear indicator of the plan's blindness to the community it is impacting so greatly. Most people who I have talked about this project with are generally excited about change, but we all want to feel like this change is thoughtful and beneficial to our community.

However, it appears that many of the influential members of our county see Lee Vining as an old, sad town because they have only read the sign which reads population 398. But they don't know Lee Vining. The truth is that that population 398 is our greatest strength. Lee Vining does not need the kind of major, upheaving change that the Tioga Inn project will bring about, the kind of change that capitalizes on the very small-town feel that it will eventually destroy.

Instead, Lee Vining is already successful, and needs a project that will bolster our town's economy, help residents find the affordable housing they need, and bring about some positive change and renewal to help preserve our town's charming character. If the housing built as part of this project is not affordable, I do not know a single community member who would move there--and the proposal is not for affordable housing. So instead, for example, we could install between fifteen and twenty new and *affordable* housing units, prioritized for current residents of Lee Vining, and then offered extending outwards to Mono City, June Lake, and Mammoth. Ideally, these units would be constructed right in town, or connected to it by a new biking and walking path, the residents of this housing would inevitably become part of the community if they weren't already.

However, the current project proposal is blind to the virtue that Lee Vining currently holds, and so it only threatens to undermine that very virtue, which has changed my life, and those of my friends, my teammates, my family.

And so ultimately, the planning commission meeting highlighted the fact that it is hard to step into the shoes of another person, difficult to view the world from another perspective. But the irony here is that Lee Vining--through its population of 398, its graduating classes of six, its yearly Christmas tree lighting, its friendly waves driving through town--has the power to make this empathy less difficult, to

teach kindness. It has the power to heal the type of ill we saw in that planning commission meeting, that inability to empathize that causes so much injustice in our world.

I love the town of Lee Vining and want the best for it. So I can't help but imagine how positive and how powerful the Tioga Inn plan could be if it were structured around the goal of *supporting* the town of Lee Vining and benefiting the community and preserving the character of the town. If done right, I believe, the biggest success of the project could be that it could help spread more of that Lee-Vining-style empathy across the entirety of our county, our state, our nation. An empathy that our world could surely use more of these days.

Thank you so much for your time. If you have any additional questions or concerns, I would be more than happy to meet with you in person or over the phone to discuss further.

Sincerely,

Caelen McQuilkin

cmcquilkin23@amherst.edu, 760-920-5973

**From:** [Kristin Meuser](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Development  
**Date:** Wednesday, June 24, 2020 7:29:57 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a longtime visitor to Lee Vining and the Mono Lake Area. This huge proposed development is an outright assault on the environment, the town of Lee Vining, the infrastructure and the public that travel on HWY 395 for its beauty and spirit. Please don't let greed come in the way of preserving this beautiful area.

Sincerely,  
Kristin Meuser

[www.artmeuse.com](http://www.artmeuse.com)  
[www.naturemeuse.com](http://www.naturemeuse.com)  
415.377.3677

**From:** [Joseph Migliore](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 3:23:20 PM

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Board of Supervisors, Mono County, California

RE: Tioga Inn Project, Lee Vining, Mono Lake

Once again, I appeal to your sensitivity and passion for the natural wonders of Mono County. I appreciate the sometimes difficult decisions that must be made in the best interest of preserving the county's greatest legacy, its extraordinary natural environment. At present the human footprint is relatively small and minimally intrusive to the natural surroundings. In the interest of preserving the balance of what we already have please do all that you can to prevent further intrusion into the quiet scenic serenity so much appreciated, as is, by so many! Mono Lake has been saved by the passionate and dedicated activist who appreciate the unique scenic and ecological value of this place. They have been dogged in defending its preservation. Please honor their success with cooperation and appreciation.

Respectfully,

Joseph Migliore

Cathedral City, California  
Mono Lake Committee Member Donor.



**From:** [zak.mills](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:30:40 PM

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Hello,

My name is Zak Mills and I've lived in Mono county for 9 years. I'm concerned about the damages to the scenic nature of the Mono Basin, the compromises in safety for motorists, pedestrians and cyclists, the impact of local schools and the volunteer fire department, the impacts and financial burdens that the Lee Vining community and Mono County taxpayers will be stuck with that should be the responsibility of the developer.

Lee Vining and mono the Mono basin is a very special place to me and I would hate to see it compromised by a developer trying to profit from our public resources.

Thanks for your consideration,

Zak

**From:** [samonte](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 10:53:19 AM

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Dear Mono County Board of Supervisors-

I believe that the Tioga Inn development as planned would be a detriment to the county's tourism. It would be a visual detraction to all the visitors traveling to Yosemite, Mammoth and staying in the beautiful Mono County region. I believe a more subtle design could accomplish the need for staff housing.

Sincerely,  
Sue Ann Monteleone

Sent from my Samsung Galaxy smartphone.

**From:** [Malcolm Mosher, Jr.](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 11:11:49 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I have voiced my concerns about this project previously at two different meetings and I have written letters detailing my objections to this project. I will summarize here. The proposed motel will sit like a beacon on the promontory, and the notion of dark night skies that we had to adhere to when we built our house will be completely disregarded. The Mono Basin and Lake are considered to be one of the top photographic sites among international photographers, and that hotel and restaurant will be a hideous eyesore that will blight the magnificence of this photographic landscape forever. Traffic speed going through town is already seldom enforced and this project significantly increase that traffic in Spring, Summer, and Fall months. The hotel and its restaurants will kill the other competitive businesses in town and potentially create a monopoly. Who will provide firefighting services? Wildlife habitat and trails will be destroyed forever. The decision to allow this project in 1993 was unfortunate, but you can prevent further harm by rejecting the owner's plans for a far greater project than was approved back then. Please, reject the greed of this owner and hold him to the 1993 approval.

Malcolm and Ellen Mosher  
1054 Lundy Lake Road  
Lee Vining, CA 93541

**From:** [Al Mueller](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Development Project  
**Date:** Thursday, June 25, 2020 11:20:50 AM

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Dear Supervisors,

Although I am not a local resident I have enjoyed the peace and beauty of Mono Lake for many years. I hope you will see fit to vote against the Tioga Inn Development Project. Building a large privately owned city in this fragile environment would constitute a threat to the peace and well-being of Mono Lake, Lee Vining and the local environment.

Thank you,  
Albert Mueller  
PO Box 1754 Wellfleet, MA 02667  
(857-939-9882)

Sent from [Mail](#) for Windows 10

**From:** [Roxann Mulvey](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn  
**Date:** Wednesday, June 24, 2020 10:40:14 PM

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I am writing because I have serious concerns about this development. It would negatively affect water supplies, Mono Lake, night sky, and the community of Lee Vining. Further I understand that no tribal consultation has taken place. Yosemite is already beyond capacity for tourism; more cars and longer lines and fuller parking lots are detrimental to visitor experiences.

I oppose this development.

Thank you,  
Roxann Mulvey  
Mariposa, California

**From:** [nacouzi nacouzi](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** tioga inn proposal is wrong  
**Date:** Thursday, June 25, 2020 8:41:53 AM

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the undisturbed serenity of the mono lake basin has more value to the economy of mono county than any badly placed motel. the tioga inn proposal would disturb the serenity of the mono lake basin and reduce the overall visitation time and dollars spent in the already developed areas. we say no to any damaging and regressive los angelization like this proposal.  
-the nacouzi family

**From:** [snamtr@aol.com](mailto:snamtr@aol.com)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tiogo Inn  
**Date:** Wednesday, June 24, 2020 6:16:18 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am vehemently against the Tioga Inn project. I assume that more feedback you has been against the project than in favor. You are to carry out the wishes of the people.  
So, your vote should be "no" to any part of the project.

Steve

**From:** [Gary Nelson](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Comments -Gary Nelson, Mono City  
**Date:** Wednesday, June 24, 2020 11:54:13 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am asking the Board to Modify this project. I propose:

- Moving Phase 1 to Phase 3's location, farther back from the edge of grading, away from Highway 395.
- Limit grading to only enough area to safely accomplish initial phase of construction. Mono Supervisors approved a development at Conway Ranch including 440 housing units, a golf course and trout stream. Today there are 7 houses there and cracked, paved roads that dead-end into the brush.
- Incorporate as much renewable energy as possible. Please don't make tenants beholden to the gas truck.

Justification of this project is largely based on the need for employee housing for the proposed hotel, which was approved 27 years ago and remains unbuilt. Years ago, I asked Bill Banta, owner of the Lake View Lodge in Lee Vining, about his business during the winter. He replied that he consistently lost money during winter months because he kept his staff employed year round. Obviously this motel is more than able to accept overflow winter visitors from June Lake or Mammoth, but this happens rarely.

This is another example of the effects of Mono Basin Geo-Economic Reality: harsh winters, lack of developed winter recreation, lack of services due to the winter closure of most town businesses and the Forest Service Visitor Center. Basically, Lee Vining has a 6 month economy. The resurgent nature of the Covid 19 pandemic further dims the likelihood of the Tioga Inn anytime soon.

Many economic factors including cost of rent and utilities may well put this housing out of reach for most Mono Basin service level employees. I would remind the Board that this project is one Change of Use Permit (with its Tempting Trove of TOT) away from becoming Tioga Airbnb Village.

Let's take this one step at a time, and try to make each step as light as we can in this special place,

Nelson

Gary



Virus-free. [www.avg.com](http://www.avg.com)



**From:** [Cindy Neufeld](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project - PLEASE VOTE NO!  
**Date:** Thursday, June 25, 2020 8:58:16 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are very much against this project for the following reasons:

1. The developer is apparently unwilling to do enough to mitigate the harm to the wildlife - light pollution and increased traffic will impact migrating birds and other wildlife.
2. Light Pollution! The visibility of the stars at night from anywhere in the Mono Basin will be lessened. We love watching the stars as it is usually so clear. The loss of visibility will never be reversed.
3. The peace which is prevalent while kayaking or visiting the area will be lost. Traffic is a killer of so much greatness in an area.
4. The view up Tioga canyon from the lake, Panum Crater, the town, would now include this monstrosity which just does nothing but detract from the natural beauty of the Mono Basin.
5. The negative impact on the Lee Vining community will be huge. Schools, the fire department, housing, traffic, to name just a few.

Sure, there may be positives, more money into the community, but at what cost? The loss of peace? Beauty? Serenity? Not worth it.

It's ok not to build. Really. It's ok to leave well enough alone. It's beautiful as it is and this project will only detract from the natural beauty of the Mono Basin.

Sincerely,

Cindy Neufeld (East Side lover over 60 years)

**From:** [Vincent Nicastro](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn  
**Date:** Thursday, June 25, 2020 8:22:46 AM

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We must not commercialize and complicate the fragile ecosystem.

We don't need rollercoasters and city distractions in nature. That is why people come up here. Nature not commerce. Look what is happening to our national parks under funded and under attack from a fascist government who care nothing for nature.

**DONT MESS WITH OUR CALIFORNIA NATURE!!!!**

So sick of money ruining everything. There is plenty of restaurants and lodging in Lee Vining!!!

Stop the expansion!!!!

Thank you

Vincent Nicastro

Lone Pine Ca

Sent from my iPad

**From:** [lylenichols@gmail.com](mailto:lylenichols@gmail.com)  
**To:** [CDD Comments](#)  
**Subject:** NO Tioga Inn!  
**Date:** Thursday, June 25, 2020 4:33:19 PM

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Mono County Planning Commission,

I understand that on Monday you will decide whether to approve the despicable and destructive Tioga Inn project. I am a part time resident of Mono County and have worked in Bodie State Historic Park for over 30 years. Approving this project represents a clear violation of the public trust and is contrary to the will of the people you serve (April 2020 meeting; 169 comments opposed to 3 in support). Creating this level of urban blight on the doorstep of Yosemite National Park should never be an option. Just look at the disgraceful circus that is Tioga Gas Mart. How is any of this in keeping with the motto of Mono County, "Wild by Nature"?

Lyle Nichols  
Van Nuys/Bodie, California

**From:** [John Nichols](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Project  
**Date:** Wednesday, June 24, 2020 9:27:43 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This project will damage the scenic nature of the Mono Basin and will compromise the safety of everyone using the roads. The city of Lee Vining and Mono County will be financially burdened with the impacts. The developer is not willing to do any mitigations to help with any of the adverse impacts of the project. This project should be denied.

Sent from my iPhone

**From:** [Marc Norton](#)  
**To:** [CDD Comments](#)  
**Cc:** [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 11:03:08 AM

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To Whom It May Concern,

The Mono Lake Committee has submitted an others have submitted a practical list of good suggestions for reducing the Tioga Inn project's negative impacts. Pay attention.

Maybe you think that this project will bring revenue to the area. But if you drive away regular visitors like myself and my friends by destroying the ambiance and scenic nature of the area, you will only be killing the golden goose in order to have a one-time meal.

Marc Norton  
San Francisco  
(415) 648-2535

**From:** [Eric Nylan](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** The Tioga Inn proposed development  
**Date:** Wednesday, June 24, 2020 7:06:20 PM

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Its a poorly conceived project in a fragile ecosystem already damaged by LA water rights. Having visited this unique area many times, its important to maintain its unique character.  
Eric Nylan

**From:** [Jeremy Obers](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** The Degradation of Mono Basin and Tioga Pass  
**Date:** Friday, June 26, 2020 1:49:55 PM

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Apart from the obvious responsibility for the developer to incur, not only should bike and pedestrian considerations be kept safe. The beauty of the Basin and its surroundings is what is most captivating to such a charming town. The feeling of awe and connection which encompasses one, shall erode to a feeling of what it's like to approach a big city.

I grew up in SoCal in the 50's, with fond memories of my parents bringing our family to Lee Vining.....all of us excited with anticipation. I've chosen Mariposa as my home now, partially as a basecamp to head East to appreciate and breath-in every sound, sight and fragrance of the high desert. With a dozen or more visits each year, my wife and I have many interactions with vacationers from around the world. There is always a shared expression in the value of a town and surrounding desert which is not overcrowded, so that a unique and personal experience can be realized and enjoyed. This may seem selfish, yet is collectively so. Every individuals value of Mono Basin shall change/lessen, if it continues to grow to allow more visitors than what is consciously sustainable by Nature, it's beauty and animal inhabitants.

The trade off is for selfish greed, which doesn't factor in the importance for a Wondrous interaction with the Wilds of Nature. Overpopulating Mono Basin shall certainly be the catalyst to its demise. Do we need another Las Vegas?

Sincerely  
Jeremy Obers

Mariposa, Ca.

**From:** [derik olson](#)  
**To:** [CDD Comments](#); [Bartshe Miller](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:40:48 PM

---

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Hello-

Below is a letter with my comments regarding the Tioga Inn project to be presented as a public comment at the BofS meeting on 6/29/20. Thanks! -Derik

To: Mono County Board of Supervisors

My comments regarding the Tioga Inn Project:

It is incumbent that your Board reject the project as it is currently proposed due to the numerous adverse effects it will have on Lee Vining and the Mono Basin. The most blaring impact is the physical and financial burden the project will have on the town's services such as fire, police, schools, infrastructure, etc. The project actually violates the Community Plan which is supported by this Board and all area residents. There is a better way. In fact, public comments offered numerous ideas and solutions that would work for both parties.

I urge you to consider the adverse impacts the Tioga Inn Project would impose. In addition to those mentioned above there are safety and environmental concerns. There are aesthetic concerns. The proposed project pits corporate profit against a small community; the community should not be harmed in support of the corporation.

Please reject the current project and work toward one that is reasonable for residents of Lee Vining and the Mono Basin. Thank you.

Sincerely,  
Derik Olson  
276 Wildrose Lane  
Bishop, CA 93514  
760.873.7904



**From:** [gerryjim](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 9:36:27 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live in Pasadena California and I visit the High Sierras on a regular basis for recreation purposes. I love the Mono Lake area and the June Lake Loop and go there to see the beautiful lake and to fish in the area streams. The Tioga Inn Project will be a big mistake if allowed to go forward. The scope of the development is out of proportion to the surrounding area and will just be an eyesore.

I urge you to take action and not allow this project to go forward.

Gerald Orcholski  
2400 Brigden Rd.  
Pasadena, CA 91104

**From:** [Sophy Orr](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn proposal  
**Date:** Thursday, June 25, 2020 12:52:09 PM

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Hello **Mono County Board of Supervisors** ,

Please note that I support the opposition letter submitted by the Mono Lake Committee, as presented by the law office of SHUTE, MIHALY & WEINBERGER LLP, and I oppose the Tioga Inn Proposed Development, as presented by the board of supervisors.

I'm not a resident of the area, but I'm a resident of California, and I care about our beautiful nature.

There is no doubt in my mind, that the current Tioga Inn Proposal Development will damage that precious gem.

Please reconsider, and make the so much needed changes to your proposal.

Respectfully,

Sophy Orr  
Sunnyvale, CA.

**From:** [ROSALIND PATTERSON](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 5:32:45 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I urge you to deny this project, which would damage the scenic nature of the Mono Lake Basin, compromise safety of motorists and cyclists and pedestrians, as well as having a negative impact on local schools which are not equipped to accommodate the number of extra students, also the local services. It would saddle the Mono Lake community with impacts and financial burdens that they could not sustain.

Please listen to the Mono Lake Committee and their views and suggestions regarding this proposed project. I am a many decades lover of the Mono Lake area, and this project sounds like a very bad idea, for the reasons given above.

Rosalind Patterson  
Mill Valley, CA

**From:** [vpitelka@dtccom.net](mailto:vpitelka@dtccom.net)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Opposed to Tioga Inn Project  
**Date:** Thursday, June 25, 2020 5:28:34 AM

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I live in North Carolina, but travel out west every summer and always spend time in Lee Vining and the Mono Lake region. The Eastern Sierra is among the most beautiful and unspoiled regions in the West. I was horrified to hear of the Tioga Inn Project. The very best qualities of Lee Vining and the Mono Basin are exemplified by the unspoiled beauty of the landscape, the careful stewardship over the Lake and its surroundings, and the wonderful small-town feel of Lee Vining. As has been pointed out by many people opposed to this project, no one is against all development, but what is being proposed at the intersection of US-395 and Highway 120 is a complete travesty. It is an insult to the Mono Basin and the people who love it. It would be an eyesore at the mouth of one of the most beautiful canyons in California. It is a money-making scheme that offers no needed benefits to the region, and stands to present a great many adverse effects to the residents of Lee Vining and its surroundings, as well as the people who live in the proposed community.

Please do the right thing and bring this terrible proposed development to a complete stop.  
Thank-you –

Vince Pitelka  
Professor Emeritus of Art/Ceramics  
Appalachian Center for Craft  
School of Art, Craft & Design  
Tennessee Tech University  
Now Residing Chapel Hill, NC  
(931) 260-3323  
[vpitelka@dtccom.net](mailto:vpitelka@dtccom.net)  
[www.vincepitelka.com](http://www.vincepitelka.com)

**From:** [James Poole](#)  
**To:** [CDD Comments: bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Mono Inn Proposal  
**Date:** Thursday, June 25, 2020 11:06:37 AM

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I currently live in Bishop, after having grown up in Southern California and lived around the country. I used to come up to the area for fishing and camping since I was a kid. I'm now 60 and perhaps don't deal with change well. Therefore, I don't support the proposed Mono Inn Project, as it's come to be known. It's impact on the Mono basin will be felt for years. Perhaps you only see the tax income potential? I don't know. Regardless, please reconsider your vote on it.

Many thanks,

James R Poole

**From:** [Janis Portal](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn and Mono Lake health  
**Date:** Thursday, June 25, 2020 6:18:38 AM

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To whom it may concern:

I've been a Guardian for many years up until recently. I love the lake and it's quiet surroundings. Please, make it as small as possible, if at all.

Sincerely,

Janis Portal

Currently in Santiago de Cuba

**From:** [ropoucher@aol.com](mailto:ropoucher@aol.com)  
**To:** [CDD Comments](#)  
**Subject:** The Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 7:14:21 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Board of Supervisors:

I want to comment on the Tioga Inn project. I strongly support the denial of the project's developers' proposal. The necessity of maintaining integrity of the Mono Basin demands denying the extreme nature of the proposal as it now stands.

Hopefully you will find the courage to not give into the demands of the developers.

Roy Poucher  
231 E. Charlotte Ave.  
Anaheim, CA  
714-588-8220

**From:** [Jay Conrad](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** In regards to the Tioga Inn Project  
**Date:** Thursday, June 25, 2020 1:16:16 PM

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Hello Kind Folk,

In regard to the Tioga Inn Project I write to you with the following concerns.

It seems difficult to imagine that there is no regard for the adverse impacts on the Mono Basin.

It does appear that County Supervisors are being asked to approve a project that will damage the scenic nature of the Mono Basin, which will compromise the safety of motorists, pedestrians, and cyclists.

This project could also severely stretch the capacity of local schools, and the volunteer fire department.

Please request that the developer come forward with meaningful changes to their final proposal, before asking County Supervisors to vote on it.

In Sure and Certain Hope,

Jay Price  
2954 51st St  
San Diego, CA 92105



**From:** [Alyssa Prowler](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 10:35:59 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing because I am **opposed** to the development of the Tioga Inn. As stated in the Summer 2019 Draft Supplemental Environmental Impact Report (DSEIR) there will be, "significant and unavoidable adverse environmental impacts." I do not want to see a city-like skyline when driving down the scenic 395! The night sky, soundscape, and scenery would be deeply impacted. We do not need to create additional pollution in the area and divert more water from Mono Lake. Lee Vining is a charming town that doesn't need to increase its population by three-hundred percent!

I understand the proposal is being advertised under a guise that it will be a "Workforce Housing Village" which I understand is much needed for the Eastern Sierra community but, in reality, what will protect it from being sold to second-homeowners? Many of the seasonal workers and those struggling to find housing aren't employed in Lee Vining, the town that will be affected most by this decision. I love the idea of additional **affordable housing for locals** but I do not agree with this large scale development. Please don't build this eyesore! It will have long-term negative effects on the local community and wildlife.

Thank you for taking the time to read my concerns. I truly hope that you make a decision based on the quality of life for the community not on greed.

Sincerely,

Alyssa Prowler  
(805) 217-8112

**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: The Tioga Inn Project  
**Date:** Thursday, June 25, 2020 10:49:50 AM

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Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
Mono County  
760-932-5538  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)

Effective March 19, 2020, the Office of the Clerk-Recorder/Registrar of Voters/ Clerk of the Board has suspended in-person services due to the COVID-19 outbreak.

For questions about how to access services at this time, please contact:

Clerk-Recorder: 760-932-5530, [clerkrecorder@mono.ca.gov](mailto:clerkrecorder@mono.ca.gov), <https://monocounty.ca.gov/clerk>

Elections: 760-932-5537, [elections@mono.ca.gov](mailto:elections@mono.ca.gov), <https://monocounty.ca.gov/elections>

Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

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**From:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Sent:** Thursday, June 25, 2020 10:44 AM  
**To:** Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>  
**Subject:** FW: The Tioga Inn Project

**Shannon D. Kendall**  
**Mono County Clerk-Recorder-Registrar**  
**P.O. Box 237**  
**Bridgeport, CA 93517**  
**(760) 932-5533**  
**(760) 932-5531**  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

Effective March 19, 2020, the Office of the Clerk-Recorder/Registrar of Voters/ Clerk of the Board has suspended in-person services due to the COVID-19 outbreak.

For questions about how to access services at this time, please contact:

Clerk-Recorder: 760-932-5530, [clerkrecorder@mono.ca.gov](mailto:clerkrecorder@mono.ca.gov), <https://monocounty.ca.gov/clerk>

Elections: 760-932-5537, [elections@mono.ca.gov](mailto:elections@mono.ca.gov), <https://monocounty.ca.gov/elections>

Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

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**From:** Scott Pyle <[spyle@cox.net](mailto:spyle@cox.net)>

**Sent:** Thursday, June 25, 2020 10:37 AM

**To:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>

**Cc:** [lindapyle@cox.net](mailto:lindapyle@cox.net); [monolakecommittee@monolake.org](mailto:monolakecommittee@monolake.org)

**Subject:** The Tioga Inn Project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Mono County Board of Supervisors,

I am writing to strongly oppose and urge you to deny the Tioga Inn Project. My wife and I are Southern California residents who have been coming to Mono County and specifically Lee Vining and Mono Lake for over 30 years. We are active supporters of the Mono Lake Committee and feel that this project would have a permanent adverse impact on the Mono Basin.

It is so out of character of the spirit and the nature of the experience one has when they visit Mono Basin that for us, this project would encourage us to seek our outdoor experiences elsewhere and thus have a negative financial impact on the County and it's small business owners.

Thank you.

Sincerely,

Scott and Linda Pyle  
San Clemente, CA

**From:** [Ellen Ratcliffe](#)  
**To:** [CDD Comments](#)  
**Subject:** Please revise the delay the Tioga Inn Project  
**Date:** Thursday, June 25, 2020 1:57:41 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a frequent customer and visitor to the Mono Lake Area, I am very concerned about the Tioga Inn project. It clearly will have multiple negative impacts on the area and the Lake, which is one of California's prime near-wilderness tourist and scientific study areas, and feeds the entire eastern sierra wilderness area chain.

Worse, this project is being approved at an extremely difficult economic time and is likely to fail due to changes in the way tourists enjoy the area. Finally it has completely avoided considering input from environmental scientists who monitor and help preserve the wildlife and plant species dependent on Mono Lake. Mono Lake area economy depends on people who visit because of the nature of the Lake and the local wilderness areas. We care deeply about the area, and tread lightly when we visit. We need businesses that support this approach.

Ellen Ratcliffe  
Santa Barbara  
805-451-6143  
[ellenratcliffe@gmail.com](mailto:ellenratcliffe@gmail.com)

**From:** [Joe Ratliff](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org); [carole reimer](#); [Doug Reimer](#)  
**Subject:** Mono Lake Project  
**Date:** Friday, June 26, 2020 8:47:29 AM

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Even with suggested mitigations, this project will still create many negative, long term impacts such as visual impairment, damage to wildlife habitats(mule deer, etc.) and corridors, increased air and water pollution and potentially harmful hydrological and flash flooding events

Along with these facts, there are already adequate motels, service stations and cafes now in Levining to serve everyone. Therefore, there is no logical reason for creating new units which will surely hurt the existing businesses, especially now with the covid 19 economic downturn.

For all these reasons and more, I say deny, deny, deny!!!!

Joe Ratliff  
Winnemucca, Nevada

**From:** [Douglas Reinhart](#)  
**To:** [CDD Comments](#)  
**Subject:** The proposed development at Mo Mart  
**Date:** Thursday, June 25, 2020 10:24:44 AM

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Hello,

I have been a full time resident of Mammoth Lakes for 31 years. I do not support the development that is proposed to take place at the bottom of Tioga pass where the Mobil Mart is located. Please do not let this development happen.

Thank you

Douglas Reinhart

760 924 9615

[Sent from Yahoo Mail on Android](#)

**From:** [Jock Reynolds](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Please string curtail or turn down the new development project proposed in Lee Vining.  
**Date:** Thursday, June 25, 2020 8:09:41 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

Please Strongly curtail or turn down this proposed real estate venture . There is no need to add a large development of this kind to the uniquely quiet and beautiful town of Lee Vining , one that exists comfortably and sustainably aside Mono Lake and also serves as the eastern gateway to Yosemite National Park and it's High Sierra Tuolumne Meadows.

With thanks For your consideration,  
Jock Reynolds  
The Henry J. Heinz Director, retired  
Yale University Art Museum

Sent from my iPhone

**From:** [Gail Richardson](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 8:34:50 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am strongly opposed to the Tioga Inn Project as currently designed and believe that mitigations are needed to improve the impact of the project on the town of Lee Vining and the Mono Lake community. Please do not approve this project.

Gail Richardson  
San Jose, CA



**From:** [KATHRYN RILEY](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn project  
**Date:** Friday, June 26, 2020 7:40:03 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a 72 year old native California who is appalled to learn that a building project is being proposed for land near Mono Lake. The entire area should be protected from yet another development of what little precious open land we have left in our state. The Mono Lake area needs to be preserved for other generations to enjoy its unique bio-system, unencumbered by yet another development which will bring traffic and more residents to the area.

Please consider all that we have lost to rapacious developers in California and decide to make a difference by voting no to this ill conceived plan.

Thank you

Kathryn Riley

**From:** [Marilyn Riley](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 6:28:26 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband Robert Grand and I join your community members in asking that the Tioga Inn project be rejected. My family has been in San Diego for 100 years; I was born there 75 years ago. During my lifetime I have watched with great sadness as many of California's scenic places have been destroyed by rampant, uncaring, ugly development. It is a constant fight to protect San Diego's beautiful backcountry.

Now we who love Mono Lake and Lee Vining have this battle before us. Mono Lake is one of my favorite places in the world, and I want future generations to be able to enjoy its beauty as I have. Please deny this devastating, unnecessary encroachment on this unique spot.

Thank you,

Marilyn Riley

**From:** [Chris Rinaldi](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 9:32:20 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Supervisors,

A while ago we sent Mono county a letter expressing our deep concerns with the Tioga Inn Project. Unfortunately, our concerns and the concerns many, many others had with this project were not addressed by the planning commission a few months back. You now have an opportunity to review this project and decide how or if it proceeds. It is our belief this project should not be approved as proposed as it violates the Mono Basin Community Plan, vision and principals, will have significant negative impacts on the community of Lee Vining and will forever degrade the scenic beauty of the area.

It is imperative that you vote to reject the project or require the developer to work with the community on changes that mitigate the communities concerns.

Thank you for your consideration.

Chris and Lori Rinaldi  
79 Tamarack Ln  
Virginia Lakes, CA

**From:** [Richard Ripley](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 9:53:29 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello:

I believe that the Tioga Inn project is an ill-advised, ill-considered project that negatively effects the very nature of the Lee Vining area. I am strongly opposed to the project and feel that in the best interest of the environment, the residents of Lee Vining, and visitors to the area such as myself, that the project be denied. Thank you for reading my email and considering my point of view.

Sincerely,

Richard Ripley

**From:** [Brooke Roberts](#)  
**To:** [CDD Comments](#)  
**Subject:** Fwd: employee housing project lee vining  
**Date:** Tuesday, June 23, 2020 5:33:00 PM

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Sent from my iPhone

Begin forwarded message:

**From:** Brooke Roberts <[robertsbandc@gmail.com](mailto:robertsbandc@gmail.com)>  
**Date:** June 23, 2020 at 17:08:05 PDT  
**To:** Dennis Domaille <[dennisdomaille@yahoo.com](mailto:dennisdomaille@yahoo.com)>  
**Subject:** Fwd: **employee housing project lee vining**

Sent from my iPhone

Begin forwarded message:

**From:** Brooke Roberts <[robertsbandc@gmail.com](mailto:robertsbandc@gmail.com)>  
**Date:** June 23, 2020 at 17:07:13 PDT  
**To:** [cddcomments@mono.co.gov](mailto:cddcomments@mono.co.gov)  
**Subject:** **employee housing project lee vining**

the time has come to allow those who work in the eastern sierra recreation zone to live in affordable quarters near where the work. The "attitudes" of many who would rather see this project go away are selfishly hiding their heads in the sand. this is what mono county has been screaming for for a long time. it is for the good of the working people who service the eastern sierra. please mono county supervisors approve this project for the good of the many who reside in mono county. respectfully brooke roberts

Sent from my iPhone

**From:** [Robertson, Tracy](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 6:41:43 PM

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To Whom It May Concern,

Referring to the approval or not of the Project presented to the Supervisors, please consider the damages to the area in all respects that will negatively impact the citizens-the general population. As is often the case those who build and leave; those who immediately receive monetary benefits; those who do not function within the basic contributions of the community, fail to empathize outside of their own immediate gains. Please consider the long reaching effects; the data of similar projects and how the environment as well as the average community member is left to adjust with the decisions of the few whether benefitting from those choices or not.

Please ask , "what is most advantageous for the majority, not the selected few".

Sincerely,  
Miss Robertson

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*Range of Light Group  
Toiyabe Chapter, Sierra Club  
Counties of Inyo and Mono, California  
P.O. Box 1973, Mammoth Lakes, CA, 93546  
Rangeoflight.sc@gmail.com*



~~June 20, 2020~~  
June 23, 2020

Mono County Board of Supervisors  
Mono County  
PO Box 715  
Bridgeport, California 93517  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

RE: Additional Comments on the Final Subsequent EIR for the Tioga Community Housing Project and the Final Subsequent EIR/Updated Draft Subsequent EIR (Board of Commissioners meeting scheduled for June 29, 2020)

Dear Honorable Members of the Mono County Board of Supervisors:

On behalf of the Sierra Club's Range of Light Group Executive Committee, I'd like to express our thoughts on the Tioga Inn Project and the Final Subsequent Environmental Impact Report. The Range of Light Group (ROLG) is part of the Toiyabe Chapter of the Sierra Club and consists of over 400 Sierra Club members in Inyo and Mono Counties. Our members as well as visitors from around the world visit the Mono Basin and Yosemite National Park. We have a vested interest in protecting the scenic qualities and natural resources of the Mono Basin. This comment letter supplements but does not repeat comments made in a comment letter submitted jointly with 350Mono.org submitted on June 15. The joint comment letter presents our primary concerns as an environmental group with a top priority being moving to renewable energy and reducing greenhouse gas emissions in Inyo and Mono County.

ROLG supports many of the substantive changes made by the project proponent in the FSEIR (compared to the Draft SEIR). The 3 part phasing of the project is a substantial clarification and improvement. We are happy to see additional measures to involve the local Kutzadika tribe during construction. The changes in building configuration (number of structures, siting, height) are meaningful improvements. ROLG did submit a comment letter in August, 2019, on the DSEIR. Nevertheless, ROLG still has concerns about the project that we hope will lead to a still further improvements in the project prior to project approval by the BoS (Mono County Board of Supervisors).

1. Casa Diablo Mule Deer Herd: As a conservation organization we are still concerned about the likelihood of increased mule deer mortality which is stated to be a significant and unavoidable impact of the project. Perhaps there could be a

joint group consisting of representatives of the project, the county, California Fish and Wildlife Department, CalTrans, and environmental groups to seek to lessen further dangers to the mule deer. We recognize that the protected strip on the east side of the project along 395 and the specified plantings in this strip will help somewhat but these plan features will not be sufficient to prevent an increase in deer mortality.

2. Mono Basin Community Plan of 2012: ROLG does not believe that the size of the project is compatible with the “small town” affirmations in the Community Plan. While it may be that the state of California defines “small town” as less than 10,000 inhabitants, we find it hard to believe that anyone seriously believes that “less than 10,000” is what those who wrote the community plan meant. That is “small town” compared to dominant population centers in California but 10,000 is a large town in comparison to other towns in Mono County. A further problem is that the additional inhabitants are all in a single, concentrated development – more like an urban housing project than a project appropriate to a “small town”.
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5. Visual Impacts: Despite significant improvements in preferred Alt 6 (compared to the DSEIR), the FSEIR recognizes that the project will still create significant unavoidable impacts. The project will still be visible from a number of locations in the Mono Basin, which are significant foci of tourist activity. The project will also create an aesthetically less appealing entrance to Yosemite, which is presently uncluttered, and a major positive feature of Lee Vining. This should be compared to the gateway communities at many other national park entrances. I lived for many years in the East, and for many area residents and tourists visiting



the Smokey Mountains, Gatlinburg is a disincentive to be endured when visiting the park. My first trip to the Eastern Sierra was traveling east through Yosemite. I was immediately impressed by how visually stunning the trip from the park to 395 was and how unmarred the beauty was by commercial construction. The size and visibility of the project aligns poorly with Mono County's "Wild by Nature" slogan, with the first National Forest Scenic area (Mono Basin), and with the scenic highway designation of 395. Mammoth Lakes has the advantage (in terms of negative scenic impact) of being invisible from 395. The Tioga Inn project will be the largest single commercial development along the scenic route, with the possible exception of the Mammoth-Yosemite airport which has little negative scenic impact.

6. Traffic and Connectivity: the residents of the complex will naturally go into Lee Vining for goods and services. There is still no actual plan to provide a foot/bicycle path between the project and 'downtown' Lee Vining. Ideally, the trail should go through SCE property and over the creek. Lack of a footpath is cited as another of the unavoidable impacts which should be solved prior to approval of the project. Also the 300 residents (at buildout – and even more when the hotel is built) will likely create traffic problems during the summer when traffic on 120 to Yosemite is already very heavy – both at the entrance to the project and at the 120 and 395 intersection. There needs to be further analysis of the potential traffic flow and numbers and a viable plan developed before approval of the plan.
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construction of the hotel and restaurant, with the total number of housing units not to exceed the present proportion of housing units to anticipated workforce (very roughly, about 2/3). In other words, a reduction in workforce needed by the hotel and restaurant would automatically trigger a reduction in number of housing units approved for phases 2 and 3. This requirement should be part of the current plan, if approved, not something to be done through future amendment. It would also be helpful to provide more explicit information about existing housing needs in the Mono Basin: number of units, types of housing, at what rental and purchase prices, full time and seasonal.

9. Other Thoughts: The FSEIR should have more renderings (3-D) to show how the project will appear up close and from various other points at each stage of the project, including the buildings, the water tank, roads, and grading to prepare the project site. The public should then be permitted to submit additional comments based on these renderings – prior to approval of the project by the BoS. It should also spell out what is part of Phase 1: the relocation of the water tank? the waste treatment plant and leach field? the extra gas station pumps? the 2 EV car chargers? the daycare center? the manager's unit? the road from the new housing up to the cell tower?

Consider building Phase 3 first, as a 1-story building. Phase 3 is back against the hillside and less visible from Highway 395. If nothing else is built beyond the first phase, it should be in the least visible location. Phase 3 is to be 2-storied. However, with the relocation of the water tank, more housing could be located in the residential area where it would be hidden from the public view. Then Phase 3 could be single storied apartments and less visible from around the Mono Basin.

We appreciate the Board of Supervisors consideration of the concerns of the Range of Light Group as articulated both in this letter and the previously submitted ROLG/Mono350.org letter that focused on renewable energy and greenhouse gas emissions. Please keep the Mono Basin green and Wild by Nature.

Sincerely,



Malcolm Clark, Vice Chair  
Range of Light Group  
Toiyabe Chapter, Sierra Club



*Range of Light Group  
Toiyabe Chapter, Sierra Club  
Counties of Inyo and Mono, California  
P.O. Box 1973, Mammoth Lakes, CA, 93546  
Rangeoflight.sc@gmail.com*



June 26, 2020

Mono County Board of Supervisors  
Mono County  
PO Box 715  
Bridgeport, California 93517  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

RE: Additional Comments on the Final Subsequent EIR for the Tioga Community Housing Project and the Final Subsequent EIR/Updated Draft Subsequent EIR (Board of Commissioners meeting scheduled for June 29, 2020)

Dear Honorable Members of the Mono County Board of Supervisors:

On behalf of the Sierra Club's Range of Light Group Executive Committee, I'd like to express our thoughts on the Tioga Inn Project and the Final Subsequent Environmental Impact Report. The Range of Light Group (ROLG) is part of the Toiyabe Chapter of the Sierra Club and consists of over 400 Sierra Club members in Inyo and Mono Counties. Our members as well as visitors from around the world visit the Mono Basin and Yosemite National Park. We have a vested interest in protecting the scenic qualities and natural resources of the Mono Basin. This comment letter supplements but does not repeat comments made in a comment letter submitted jointly with 350Mono.org submitted on June 15. The joint comment letter presents our primary concerns as an environmental group with a top priority being moving to renewable energy and reducing greenhouse gas emissions in Inyo and Mono County.

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We appreciate the Board of Supervisors consideration of the concerns of the Range of Light Group as articulated both in this letter and the previously submitted ROLG/Mono350.org letter that focused on renewable energy and greenhouse gas emissions. Please keep the Mono Basin green and Wild by Nature.

Sincerely,



Malcolm Clark, Vice Chair  
Range of Light Group  
Toiyabe Chapter, Sierra Club

**From:** [Crystal Rose](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn  
**Date:** Wednesday, June 24, 2020 5:43:01 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I have been coming to Mono Lake for the past fifty years. It is a truly unique area and we love it. We have spent a lot of money for motel and campground accommodations, food, booze, car repairs(!), gas, and miscellaneous outdoor gear. I don't know whether or not you care how much pleasure the lake and the surrounding open are have given us, but please understand that your area is dear to us and to thousands of others. A big luxurious vacation destination for rich people, and the housing for the staff for that, will completely change the character of the place and will presently degrade the place's land and plant life. Please don't crud up a rare, precious, irreplaceable place for the financial advantage of folks who already have more than enough!

To :Mono County Board of Supervisors

From: Scott Rosoff – Palmdale, Ca

Phone: 661-305-3139

RE: Tioga Inn Project

I have been to this area since I was a teenager. At first for backpacking and camping. Later it was camping with my son and introducing him to the myriad wonders of geology, flora and fauna in Mono Basin. Now, it's the simple enjoyment and serenity I feel whenever I visit or pass through the area.

What I fear most for this area is the adverse impact this type of project will bring to this locale. Additional pollutants will damage the environment. Increased traffic will endanger wildlife. Additional strains on the infrastructure will lead to degradation of systems (natural and manmade). Without adjustments to the planned project we will only strain the already fragile environment of this most wonderful of places.

Mono basin wasn't planned. Nobody built it. Nobody had to advertise or market it. Mono Basin doesn't need a project of this scope to make it what it is or what it will always be, a natural wonder unlike any place on Earth. I ask, no wait, I implore you to save the true beauty, grandure and magnificence of the Mono Basin.....its simplicity of being!

Please, if this project goes forward, I ask that it be modified so as to reflect the least amount of disturbance to the natural areas, the community and its citizens. There must be room for compromise that can satisfy the desires of the developers and still preserve the area we all want to come back to, live in and enjoy.

Thank you,

Scott Rosoff



**From:** [Keith Ryden](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project Review  
**Date:** Friday, June 26, 2020 2:03:17 PM

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Folks,

As currently conceived, the Tioga Inn project should not be approved. The Mono Lake Committee has provided numerous mitigation recommendations that have not been given adequate consideration by the project designers. Until issues such as night lighting, structure visibility, traffic, etc are adequately mitigated, the project should be on hold.

One last chance to adequately mitigate the issues is appropriate – put a 90-120 day deadline in place. If inadequate progress is made, the project should be denied.

Regards,

Keith & Lenore Ryden  
305 West Steelhead Road  
June Lake, CA 93529

**From:** [elizabeth sajo](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Development  
**Date:** Friday, June 26, 2020 2:11:34 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Mono County Board of Supervisors,

This message concerns the plan to develop the Tioga Inn and a “workforce village” to sustain it. The plan as currently conceived will adversely impact the scenic quality of the stunning and unique Mono Basin, as well as disrupt a vital wildlife corridor. A Mono Basin Plan was created by members of the local community to articulate a vision for future growth: “small compact communities. . . . a healthy natural environment with clean air and water, scenic grandeur, pristine wilderness, and open space.” Please reject the Tioga Inn development plan as currently proposed, since it does not meet these objectives or reflect these values.

Thank you for your consideration.  
Elizabeth Sajo (Frequent Visitor)

**From:** [John Saltmarsh](#)  
**To:** [CDD Comments](#)  
**Subject:** Proposed Tioga Inn Development  
**Date:** Thursday, June 25, 2020 1:10:27 PM

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Though I do not live in the area, I have experience with my local planning commission and city council. I urge you to resist the temptation to approve this project as is. The most recent disaster approved by our folks was overwhelmingly overturned by a 60% vote of the citizens of my community – Redlands – in a special election.

I do not necessarily agree with all of the Mono Lake Committee's suggestions, but several have merit and should be considered in at least part – reduced size, single story, pedestrian access to Lee Vining proper, night light reduction.

Paying some attention to concerns now would hopefully preclude unnecessary and expensive elections to overturn ill-considered decisions. Not to mention the inevitable raft of lawsuits to stop the project.

Thanks for listening – J. Saltmarsh

**From:** [jen.sandstrom](#)  
**To:** [CDD Comments](#)  
**Subject:** Public Comment - Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:55:00 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

I have been visiting the Mono Basin annually since 1995. The charm of this area is rooted in its remote ruggedness, unchanging landscape, and lack of development. The Tioga Inn Project will destroy this charm and will impact my love of the area and motivation to visit. I come to the Mono Basin to get away from development not to come face to face with it. It is hard for me to believe that you would want to deter tourism from this area and lose the valuable revenue that comes with it. Please preserve the Mono Basin as it has been for the last twenty-five years and beyond so our grandchildren and great grandchildren can enjoy the remote beauty and lack of development that so many of us are faced with in our everyday life. We need places that remain unchanged since so much human development is taking over the natural areas of California. Thank you for considering denying the Tioga Inn Project in its current form from moving forward.

Jennifer Sandstrom  
127 Glenwood Avenue  
Santa Cruz, CA 95060

**From:** [anita.schiebel](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 5:02:47 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mono County Board of Supervisors,

Please take into consideration the scenic damage this project could do to Mono Basin, least of all traffic, light and noise pollution. It could compromise the safety of motorists, pedestrians and cyclists.

The Developer is taking no financial responsibility, that will impact local schools, the volunteer Fire Department, Lee Vining and Mono county taxpayers.

As Board members you should be listening to your constituents and not be governed by greed and political advancement.

Thank you for your consideration,  
Anita Schiebel

Sent from my iPad

**From:** [Savannah Schnall](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 6:12:51 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

This Monday you will be asked to vote on a resolution to override the concerns of local Agencies, residents, and the public in order to approve the Tioga Inn Project and accept its significant adverse impacts on the Mono Basin. I am writing to implore you not to approve this.

These significant adverse unaddressed impacts result from a Project that ignores public input, disregards the guidance of the Mono Basin Community Plan, and refuses to pay its own way. Mono County can do better.

The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park.

A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers.

The Mono County Board of Supervisors has proposed highly feasible mitigations for this project. Please consider these and vote for good when you vote on Monday.

Thank you,  
Savannah Schnall

**From:** [Chris Schroeder](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** The Tioga Inn Project: Please consider the improvements offered by the Mono Lake Committee  
**Date:** Thursday, June 25, 2020 12:17:54 PM

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Greetings.

The current plan for the Tioga Inn is unacceptable. It threatens serious, long-term environmental damage, it creates danger for motorists, cyclists, and pedestrians well beyond what is reasonably achievable for such a project, and it also would create undue financial and societal burdens on the Mono County community, such as the fire department and school system.

The Mono Lake Committee is a group of well informed and well intentioned citizens of the region. They have offered many important, well-researched recommendations to lessen the adverse effects incumbent in the current plan, in the spirit of acceptable outcomes for all parties. I implore you to review their recommendations thoroughly and to really consider the welfare of the people that will be affected by this project, and not simply to bow to the developers' financial interests. Please, see this as the opportunity for thoughtful, deft leadership that it is.

Sincerely,  
Christopher R Schroeder  
a frequent and invested visitor to Mono County

**From:** [Christine Sculati](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project comment  
**Date:** Friday, June 26, 2020 2:54:35 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Dear Mono County Board of Supervisors:**

**I am writing to comment on the Tioga Inn Project to be considered during your June 29, 2020, public meeting.**

**As someone who appreciates the special aesthetic and natural values of Mono Lake and the surrounding landscapes, I am very concerned about this proposed project for the Tioga Inn. The Mono Lake region is a very special place and will be permanently degraded by the scale of this project, which will bring visual impacts, unprecedented light pollution and harm to a unique biome. There is no other place like it in the world.**

**I am especially alarmed by the fact that the developer has rejected meaningful changes to the project, despite public outcry through thousands of comment letters. I strongly urge you to reject this project, which will damage the scenic nature of the Mono Basin at a time when natural outdoor settings provide important relief from the growing stressors in the world. The Mono Basin region in the vicinity of the proposed project offers incomparable scenery and nature experiences where people can go to feel inspired by the natural world and its benefits to stress reduction. This project would take away those important benefits to visitors and local communities. Moving forward would mean irreparably degrading this special place, forever.**

**Sincerely,**

**Christine Sculati**



**From:** [John Sefton](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Wednesday, June 24, 2020 5:27:49 PM

---

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Oppose. Don't support stupidity.

Sent from my iPad

**From:** [wdschuford@gmail.com](mailto:wdschuford@gmail.com)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project Shortcomings  
**Date:** Friday, June 26, 2020 12:15:20 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono Board of Supervisors,

I'm a recently retired ornithologist who understands the biological, scenic, cultural, and spiritual value of the Mono Basin from almost 40 years of research, teaching, birding, hiking, and forming lasting friendships with members of the Lee Vining Community.

I'm writing to strongly urge you to deny the proposed Tioga Inn development project, or make project approval contingent on substantial modifications to avoid permanent adverse impacts on the Mono Basin.

Modifications needed include eliminating visual impacts as viewed from adjacent highways and the beach at South Tufa by creating berms, requiring only one-story housing, ensuring lighting has minimal if any effect on night skies, etc.; exploring all options for a path connecting the project site to the community of Lee Vining; ensuring financial impacts are the responsibility of the developer rather than of Lee Vining residents and Mono County taxpayers; ensuring housing is synchronized with on-site employment and development, is affordable to on-site employees, and the project does not increase demand for additional off-site housing in an already tight housing market; protecting adequate habitat for migrating deer and the Sierra Nevada Red Fox; and mandating the project be carbon neutral to avoid adding to the current climate crisis.

When making your decision, please give utmost consideration to preserving the scenic, biological, and cultural values of the Mono Basin for future generations and to ensuring the project complies fully with the direction provided by the Mono Basin Community Plan.

Sincerely,

W. David Shuford  
Petaluma, California

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

WINTER KING  
Attorney  
King@smwlaw.com

June 24, 2020

**Via Electronic Mail Only**

Board of Supervisors of Mono County  
c/o Shannon Kendall, Clerk of the Board  
PO Box 715  
Bridgeport, CA 93517  
E-Mail: [skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

Re: Tioga Inn Specific Plan Amendment #3

Dear Members of the Mono County Board of Supervisors:

We submit these comments on behalf of the Mono Lake Committee (“MLC”), a non-profit citizens’ group dedicated to protecting and restoring the Mono Basin ecosystem. Since 1978, MLC has not only defended Mono Lake and its surroundings from environmental degradation, it has also educated the world about the area’s stunning beauty and wildlife, inspiring hundreds of thousands of visitors to journey to the Mono Basin each year. In short, MLC has a demonstrated record of commitment to both the environment and the community in the Mono Basin.

It is in this same spirit that MLC submits these comments, expressing grave concerns about the proposed amendments to the Tioga Inn Specific Plan. These amendments would allow the owner to double—or *quadruple*, depending on the population estimates used, *see* Final Supplemental Environmental Impact Report (“FSEIR”) at 93—the population of Lee Vining without following even the most basic smart-growth planning concepts, such as providing a safe path for occupants to walk or bike the 0.5 miles into town. Moreover, while the applicant has pitched this project variably as “workforce housing” and “affordable housing,” there is simply no guarantee that the project will provide either.

In exchange for the questionable benefits of this project, the County is asked to accept numerous significant, unmitigable environmental impacts, including significant aesthetic impacts on scenic and visual resources, light and glare, exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee

Vining, and cumulative impacts to deer movement. These impacts will directly affect the very resources that bring people to the area in the first place. Moreover, there is substantial evidence in the record that the project lacks an adequate route to safety in the event of a wildfire.

MLC has long been engaged with the County and the applicant on this project. MLC submitted comments during the scoping phase, on the Draft Supplemental Environmental Impact Report (“DSEIR”), and on the FSEIR. But despite MLC describing all of the issues listed above and offering additional feasible mitigation measures that could further reduce the Project’s significant adverse impacts, the Planning Commission recommended certification of the SEIR and approval of the project, including approval of findings that the benefits of the project outweigh its significant, unavoidable impacts. We re-submit these comments for your consideration as you review the SEIR and project documents. Our prior comments are attached as Exhibits 1 and 2 to this letter and are incorporated by reference herein.

In addition, we submit the following new comments, which respond to issues that arose during the Planning Commission meeting. This meeting lasted approximately 7.5 hours and saw more than 100 commenters express similar concerns about this project. (By our count, only three public speakers, other than the applicant, supported approval of the project.)

MLC, as a non-profit with 20 employees and seasonal interns, and many volunteers, understands the need for affordable housing in the region. However, there is no guarantee the proposed project will provide such housing. Moreover, the significant and unavoidable environmental and safety impacts associated with this Project will hurt the very community it is purportedly designed to serve.

As a result, the County cannot make the override findings required under CEQA, and must deny the project as proposed.

**I. The Asserted “Benefits” of the Project Do Not Outweigh Its Environmental Impacts.**

The California Environmental Quality Act (“CEQA”) prohibits the County from approving a project with significant environmental impacts unless the County adopts all feasible mitigation measures and finds that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.” Public Resources Code (hereinafter, “CEQA”) § 21081. The Planning Commission adopted a resolution recommending approval of the Project and

has sent a draft statement of overriding considerations to the Board for its approval. The Planning Commission's draft statement identified four assertedly overriding benefits: housing, economic development, conservation of open space, and "social benefits." However, most of these asserted benefits are actually mitigation measures that only become necessary due to the Project's impacts. And the remaining benefits are not supported by substantial evidence.

**A. The Project Will Not Benefit Conservation.**

The primary flaw in this proposed override finding is the assertion that, with the Project, "open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category." PC Override Findings at 23. While the amount of land designated for open space may increase compared to the existing General Plan, the Project will allow significantly more development than the current Specific Plan does. Moreover, as is clear from this specific plan amendment process, General Plan designations are not permanent; there is no reason the applicant could not come back in the future to amend the specific plan again to develop even more.

If the County wants actual, concrete conservation benefits, it should require the applicant to dedicate a conservation easement over the areas designated as open space. Only then will the public be guaranteed that these lands will be conserved and the development envelope of the property fixed.

**B. The Project Will Not Alleviate Mono County's Affordable Housing Crisis.**

Contrary to the draft override finding, the proposed units are not affordable and will not address the County's affordability crisis. The housing needs assessment cited in the proposed override finding, *see* PC Override Findings at 22, n.5, states that housing growth in the County is currently "driven by second homeownership and . . . vacation rentals." BBC Research & Consulting, *Mono County Housing Needs Assessment and Residential Survey*, § 1, p. 3. High-quality affordable housing options remain out of reach for most residents. *Id.*, § 1, p. 4. The report concludes that, to avoid a loss of workers and middle-income residents, the County must "facilitate the creation of *permanently affordable housing units.*" *Id.*, § 1, p. 5.

The Project, however, does not contain any guarantees that the proposed housing will be affordable. With no income restrictions or other eligibility criteria, there is no evidence that the Project will provide workforce or community housing. Instead, the

Project may become an additional source of market-rate rentals that will only further increase housing stress in the County.

**C. The Project Will Not Support Economic Development.**

The proposed override finding concerning economic development is not supported by substantial evidence. The override finding assumes that the projected employees of the hotel and restaurant “will exist regardless of whether the Project is approved.” PC Override Findings at 22-23. It then concludes that the Project will help provide housing to those employees, purportedly contributing to the success of the hotel and restaurant. *Id.* The hotel and restaurant, however, have been approved since 1993, but they have never been built. Especially in light of the recent economic downturn and the impacts to tourism due to COVID-19, there is no reason to suspect that the hotel and restaurant will suddenly pencil out now. Because there is no concrete evidence that the hotel and restaurant will be built, there is no reason to expect the Project to benefit those uses.

**D. The Project Will Not Have Social Benefits.**

The purported social benefits of the Project are not benefits at all, but merely mitigation measures necessitated by the Project itself. For example, the override findings tout a secondary emergency access route as a benefit. *See* PC Override Findings at 23. But that secondary access is only necessary to mitigate substantial safety risks caused by earlier designs of the proposed housing only having a single route for access and egress. Similarly, the findings claim as a benefit the reservation of a right-of-way to connect with a potential future trail linking the Project site with Lee Vining. PC Override Findings at 23. But not only will a reserved right-of-way only be a benefit if a trail is ultimately constructed—something that the FSEIR does *not* commit to, despite (1) evidence that a trail is feasible, *see* Section VII, below; *see also* Response to Supervisor Stump’s Information Request, Attachment B2 (“Richard Fujikawa at SCE. . . confirmed that there is potential for SCE to grant a 3-foot wide trail easement.”), and (2) the requirement that the County incorporate all feasible mitigation measures into the Project, Cal. Code Regs. § 15126.4(a)(1) (“An EIR *shall* describe feasible measures which could minimize significant adverse impacts[.]”) (emphasis added)—the trail itself is only necessary to mitigate pedestrian safety impacts associated with the proposed housing. Finally, the proposed phasing plan (PC Override Findings at 23) which will temporarily delay the most egregious aesthetic impacts of the Project is not a benefit. It merely postpones the Project’s aesthetic impacts—but only temporarily. Like the other asserted “benefits,” it would not be necessary if not for harm caused by the Project itself.

\*

The Statement of Overriding Considerations represents a judgment by the Board of Supervisors that the Project's purported benefits outweigh its significant impacts on the environment. Here, the Project will create real, lasting damage to the environment in Mono County. In contrast, the Project's supposed benefits are illusory, consist of mitigation measures necessitated to address damage caused by the Project, and/or are not supported by substantial evidence. In short, the Project's benefits do *not* outweigh its significant environmental impacts.

## **II. The Housing Element's References to the Proposed Project Do Not Justify Approving the Project.**

At the Planning Commission meeting, staff implied that the Project should be approved because the 100 units proposed for the site are already incorporated into the County's Housing Element. *See* Mono County Planning Commission, Draft Special Meeting Minutes, April 16, 2020, at page 9. However, the Housing Element's references to the site do not mean that the Board must approve the project.

The Housing Element's references to the potential for up to 100 units on the project site do not constitute an approval of those units, nor does it commit the Board to approving them. In fact, when the Housing Element was adopted, it was clear that the County anticipated completing CEQA review of the proposed project—and deciding whether or not to approve it—at a later date. The Housing Element itself acknowledges uncertainty about whether the units will be approved. For example, the document mentions that the specific plan amendment is “proposed,” and repeatedly notes that additional analysis is needed. *See* Mono County Housing Element, 2019-2027, at page 62 (“further analysis required”); *id.*, page 63 (“Impacts and constraints will be analyzed as part of Tioga Inn Specific Plan Amendment #3”). Thus, the Housing Element recognizes that the “impacts and constraints” related to the proposed housing may prevent the Board from approving it.

Moreover, the County could not have lawfully “pre-approved” the specific plan amendment now under consideration when it adopted the Housing Element. In that document, the County stated that CEQA review for the Project would be completed later. For the County to have approved the project under those circumstances would violate CEQA's core requirement that public agencies evaluate the environmental effects of their actions *before* approving those actions.

To the extent the County is concerned that the site's inclusion in the Housing Element means that the County will not be able to make the findings required by Government Code Section 65863, these concerns are misplaced. Section 65863(b) requires counties that reduce a parcel's residential density from what is identified in their Housing Elements to make written findings that (1) the reductions are consistent with the General Plan, and (2) remaining sites identified in the Housing Element are adequate to meet the jurisdiction's share of regional housing needs. As an initial matter, these findings are not required, because, to the extent the Housing Element "designated" the site for up to 100 units, that "designation" was contingent on approval of the very specific plan amendment that is before the Board today.

But even if the findings *are* required, the County can easily make them. For example, the Regional Housing Need Allocation ("RHNA") for Mono County is 85 units for 2018-2027. Housing Element at 49. Even if the 100 units on the proposed site are eliminated, the other key sites highlighted in the Housing Element include over 1,000 potential units. *See* Housing Element at 58-77. Ample alternative sites remain for the County to meet its regional housing obligations. Thus, Government Code Section 65863 does not provide a reason to reject or reduce the scale of the proposed project.

Moreover, unlike other recent state housing laws, these provisions of the Government Code do not provide any exemption from the requirements of CEQA. *Compare* Gov. Code § 65913.4(c)(2). Because CEQA applies to this Project, and the Project would have significant, unavoidable impacts, the Board of Supervisors may not approve the Project unless it finds that the Project's benefits outweigh its permanent negative effects on the environment. CEQA § 21081. It simply cannot make these findings here.

Finally, approving the Project because the Housing Element stated the County might approve it in the future would deny the public an opportunity to meaningfully participate in decision-making. The Housing Element was not presented to the public as the forum in which this Project would be debated and approved. Instead, the Housing Element indicated that further study would be required as part of the Tioga Inn specific plan amendment process. Relying on the Housing Element to make approval a foregone conclusion would deprive the public of the very opportunity to comment promised in the Housing Element.



### **III. The Project Description Remains Confusing and Inconsistent: Despite Contrary Representations, the Project is Intertwined With Construction of the Hotel and Restaurant.**

Under CEQA, the EIR must contain a clear, consistent project description. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83, 89. Our prior letters describe the various flaws in the project description at length. The hearing before the Planning Commission emphasized an additional inconsistency.

At the hearing, County staff suggested that the Project is independent from the hotel and restaurant, and that the Planning Commissioners should consider the proposed housing as a fully independent Project. *See* Recording of Planning Commission meeting at 5:39:48 (“This project is a housing project.”). This assertion is inconsistent with text in the SEIR showing the interdependent nature of the housing and hotel/restaurant uses. For example, a central objective of the proposed Project is to provide housing *for the anticipated employees of the hotel and restaurant*. Further, the phasing plan links (or purports to do so) construction of housing with milestones associated with the hotel and restaurant.

In another example, some mitigation for the proposed Project is tied to construction of the *hotel* rather than to the *housing* itself. Mitigation Measure SVCS 5.8(a-3) is intended to address the impacts of the project housing on public services and pedestrian safety. The measure adds a shuttle service between the project site and Lee Vining. The shuttle service, however, will only commence “when the Tioga Inn *hotel* receives an occupancy permit,” Updated Final/Draft Subsequent EIR at 5.8-12 (emphasis added), despite the fact that this mitigation measure is purportedly intended to mitigate the impacts of the *housing*.

In short, the hotel and restaurant are intertwined with the proposed housing, and the conflicting signals the SEIR sends on this issue constitute a significant flaw in that document.

### **IV. The Baseline for Analysis of the Project’s Environmental Impacts Does Not Include the Hotel and Restaurant Proposed in 1993.**

At the Planning Commission meeting, many commenters stated that the Project would exacerbate the County’s housing crisis because of the interrelationship between the housing and the hotel/restaurant. That is, even if each of the 100 units of proposed housing went to an employee of the hotel or restaurant, there would still be 50 additional anticipated employees of those uses thrust into the broader Mono County

housing market. Thus, rather than alleviating housing stress by increasing supply relative to demand, the Project would have the opposite effect: increasing housing demand more than supply.

In response to these arguments, County staff instructed the Planning Commission that the CEQA baseline for the Project included the hotel and restaurant approved in 1993, even though these uses have never been constructed. Thus, staff asserted, in determining whether to approve the proposed housing, the Planning Commission should assume that 150 new employees of the hotel and restaurant would exist regardless of whether the housing is constructed. *See PC Override Findings at 22-23* (making a similar assumption that the hotel and restaurant employees would exist regardless of whether the Project is approved). This instruction violated CEQA.

The baseline for an environmental analysis under CEQA should generally be “physical environmental conditions as they exist at the time the notice of preparation is published.” 14 Cal. Code Regs. § 15125. An agency may only use future conditions as the sole baseline for analysis “if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public.” *Id.*

Here, the baseline should be existing conditions on the Project site—i.e., conditions *without* the hotel and restaurant and their hypothetical 150 employees. The County has not demonstrated with substantial evidence that use of existing conditions would be misleading or uninformative. The hotel and restaurant have been approved for 27 years with no progress toward their construction. And the record does not include any concrete evidence suggesting that these uses *will* be constructed: for example, the developer has not asserted that he has applied for any permits for these uses. Thus, there is no substantial evidence supporting the use of speculative future conditions, including the hotel and restaurant, as a baseline.

The Planning Commission erred in comparing the Project’s impacts against a baseline that included the hotel and restaurant and their anticipated employees. Instead, the Board should compare the proposed Project to the largely undeveloped site and housing conditions in the County as they currently exist. Artificially inflating housing demand by assuming the existence of 150 employees who may never materialize is improper under CEQA.

**V. The Project Would Result in Unfunded Mandates for Local Services, Including Schools and Fire Protection.**

As noted in the FSEIR, the Project would likely result in a substantial increase in the population of school children in the Lee Vining area. FSEIR at 196. This increase, however, would come without a corresponding increase in funding for education services. Despite the FSEIR’s assertion that the Project’s impacts on school facilities would be fully addressed by development fees, the development fees only address “construction or reconstruction of school facilities.” Educ. Code § 17620(a); Gov. Code § 65996. As the Superintendent of the Eastern Sierra Unified School District stated in a letter to the Planning Commission dated April 14, 2020 (attached hereto as Exhibit 3), the School District cannot use fees from the developer to hire additional teachers. Thus, the new development will likely stress the School District’s already limited funds.

The Project would have a similar effect on the small, volunteer Lee Vining Fire Protection District (“LVFPD”), vastly increasing the population the LVFPD must serve without providing adequate resources to meet these new needs. The LVFPD itself submitted a letter expressing concerns that the Project would place an unreasonable burden on its resources. *See* FSEIR 153-56.

**VI. The County Should Revise the Phasing Plan to Make It Effective.**

As noted in our prior letter, the phasing plan proposed in the FSEIR allows the project applicant to build all three phases of housing without making *any* actual progress on the hotel and restaurant. At the Planning Commission meeting, the phasing plan was revised in response to these concerns—but even with the revisions, the phasing plan still allows all housing to be built without requiring any construction of the hotel and/or restaurant. For example, the trigger for phase 2 housing was changed from *submission* of a building permit application for the hotel to the application being deemed *complete*. *See* Updated Final/Draft Subsequent EIR at 4-15.<sup>1</sup> But even the submission of a complete application does not require any actual construction to occur.

This toothless phasing plan will hinder the Project’s ability to achieve the objective of serving employees of the hotel and restaurant. It also undermines the

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<sup>1</sup> Note, however, that the phasing plan on page 3-10 of the Updated Final/Draft Subsequent EIR does not reflect this revision.

applicant's insistence that the housing is intended to serve employees of the hotel and restaurant rather than vacationers or individuals commuting to Mammoth Lakes.

To make the phasing plan more effective, the County should link the triggers for housing construction to *actual* milestones in the hotel and restaurant construction. For example, the trigger for issuing a building permit for phase 2 housing construction should be the completion of 50% of hotel construction (or the accomplishment of a similar milestone that approximates that level of progress). Additionally, the County should condition the issuance of a certificate of occupancy for the phase 2 housing on the prior (or concurrent) issuance of a certificate of occupancy for the hotel. This would ensure that the housing would be synced with the arrival of the employees it is intended to serve.

## **VII. The Project Must Be Modified to Reduce Potential Impacts.**

CEQA provides that public agencies must incorporate feasible mitigation measures that could reduce a project's significant adverse impacts on the environment. 14 Cal. Code Regs. § 15126.4(a)(1) ("An EIR *shall* describe feasible measures which could minimize significant adverse impacts[.]") (emphasis added). In previous letters, this firm and the Mono Lake Committee have proposed several feasible mitigation measures that would substantially lessen the Project's significant environmental effects. These mitigation measures are incorporated by reference herein. The County must incorporate all feasible mitigation measures proposed by the Mono Lake Committee and other commenters that would reduce the Project's significant environmental impacts.

Further, the County must revise mitigation measure SVCS 5.8(a-3) so that the shuttle service is tied to occupancy of the proposed housing, rather than to occupancy of the hotel. As noted above, Mitigation SVCS 5.8(a-3), which adds a shuttle service linking the project site and Lee Vining, is intended to address the impacts of the Project—that is, the 100 proposed units of housing—on public services and pedestrian safety. The shuttle service, however, will begin "when the Tioga Inn *hotel* receives an occupancy permit." Updated Final/Draft Subsequent EIR at 5.8-12 (emphasis added). Mitigation measures must address the effects of the *Project*. Here, the Project may be completed long before the hotel receives an occupancy permit. To make this mitigation measure effective, it must be revised so that the shuttle service will serve the housing *regardless* of whether or when the hotel is constructed.

Even the shuttle service, however, is not sufficient to replace a pedestrian trail linking the project site with Lee Vining. A shuttle service likely would not have the capacity to handle the needs of all of the project residents, especially if the hotel and

restaurant are completed and their guests compete with residents for seats. A trail would be superior mitigation.

The FSEIR incorrectly concludes that a trail would be infeasible. First, it asserts that SCE resisted the concept of a trail across its property. FSEIR at 84. MLC staff, however, reports having had conversations with SCE representatives in which SCE expressed openness to discussing a license for an 8-foot-wide trail with the Mono Basin Regional Planning Advisory Committee (“RPAC”) and Mono County. Communication between B. Miller and Jennifer Farley, Right of Way Agent. County staff has also confirmed that SCE is open to a trail. According to the minutes of a May 4, 2020 conference call between Caltrans and Mono County, “Gerry [LeFrancois] confirmed that he had spoken with Richard Fujikawa at SCE, and Mr. Fujikawa had confirmed that there is potential for SCE to grant a 3-foot wide trail easement.” Response to Supervisor Stump’s Information Request, Attachment B2.

Second, despite the FSEIR’s conclusion that a trail is infeasible in part because of costs, FSEIR at 84, the County could require the project applicant to pay into a mitigation fund that would support the trail. Mitigation funds are standard for projects like this, and the FSEIR’s concern regarding costs does not make the trail infeasible. Finally, Caltrans’ concerns about pedestrians crossing SR 120 to access the trail should not stand in the way of this mitigation measure. Pedestrians are likely to enter roadways with or without a trail—that is why pedestrian safety is identified as a significant impact in the first place. *See* FSEIR at 82. A trail would reduce pedestrian exposure to traffic by providing a place to walk other than along the side of a busy highway. The County should work with the project applicant and Caltrans to make the SR 120 crossing safer.

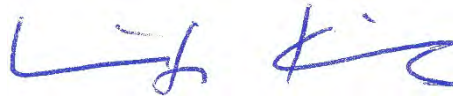
## **VIII. Conclusion**

The Mono Lake Committee urges the Board to protect the valuable resources of Mono Lake and the Mono Lake Basin. As currently proposed, the Project threatens those resources, and the SEIR fails to fully account for the Project’s environmental damage. We ask the Board to reject the Project or to approve it at a reduced scale that would protect the environment from significant harm.

Board of Supervisors  
June 24, 2020  
Page 12

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

1241311.6

**EXHIBITS:**

Exhibit 1: Comment Letter Re Tioga Inn SPA3 with Exhibits

Exhibit 2: Comment Letter Re FSEIR for Tioga Inn SPA3 with Exhibits

Exhibit 3: ESUSD Letter

# EXHIBIT 1

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

AMY J. BRICKER  
Attorney  
Bricker@smwlaw.com

August 21, 2019

**Via E-Mail and FedEx**

Michael Draper  
Mono County Community Development  
Department  
P.O. Box 347  
Mammoth Lakes, CA 93546  
E-Mail: mdraper@mono.ca.gov

Re: Subsequent Environmental Impact Report and Specific Plan  
Amendment for the Tioga Inn Project

Dear Mr. Draper:

On behalf of the Mono Lake Committee (“MLC”), we have reviewed the Subsequent Environmental Impact Report (“SEIR”) prepared in connection with the proposed Tioga Inn Specific Plan Amendment Number Three (“Project”). We submit this letter to express our legal opinion that the SEIR for the proposed Project, as currently drafted, fails to comply with the requirements of the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”), and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* (“Guidelines”). In addition, the Project conflicts with the Mono County General Plan and Mono Basin Community Plan in violation of state Planning and Zoning Law, Gov. Code § 65000 *et seq.*

In light of the County’s decision to decline MLC’s request for a 30-day extension of the comment period, these comments are necessarily constrained. MLC reserves the right to submit more detailed comments prior to the County’s consideration of and final decision on the Project and SEIR.

The County cannot approve the Project in its current form because the SEIR is fatally flawed in a variety of ways. First, the County has violated CEQA in electing to proceed via an SEIR for a *portion* of the Project rather than starting again with a new EIR for the *whole* Project. The County must proceed via a new EIR because



conditions—both as to the Project itself and as to the surrounding community—have changed so significantly since 1993 that the 1993 FEIR is no longer relevant.

Second, the SEIR itself is seriously flawed. For example, the SEIR’s project description contains various inconsistencies and gaps related to the particulars of the workforce housing village. The description’s failure to clearly convey who the housing will serve and how the Project will impose eligibility and affordability criteria make it impossible to adequately assess the Project’s environmental effects.

Further, the SEIR’s analysis of and mitigation for environmental impacts is inadequate. Specifically, the SEIR fails to adequately analyze and mitigate: (1) adverse impacts to visual resources; (2) the Project’s impacts related to wildfire evacuations and fire protection services; (3) adverse impacts related to biological resources; (4) adverse impacts related to vehicle miles traveled; (5) cumulative impacts related to greenhouse gas emissions; (6) population and housing impacts; and (7) adverse land use impacts related to conflicts with local land use plans, in violation of both CEQA and the State Planning and Zoning Law. Finally, the SEIR does not include an adequate analysis of alternatives to the Project.

Given these flaws, there can be no meaningful public review of the Project. The County must begin again with a new EIR for the whole Project. The new EIR (or a revised SEIR, if the County persists in following that unlawful course) must contain an adequate and legally compliant analysis in order to provide an adequate understanding of the environmental issues at stake.

**I. CEQA requires that the County prepare a new EIR for the whole Project rather than an SEIR for the workforce housing village.**

CEQA requires agencies to evaluate the environmental impacts of Projects as a whole. It is a violation of CEQA to divide a Project into several smaller pieces and analyze their environmental impacts separately. *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346 (“[E]nvironmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.”).

Moreover, although Public Resources Code section 21166 requires an agency to proceed via a subsequent EIR when there are substantial changes in a project that will require major revisions to an EIR, that section does not apply when the Project and surrounding circumstances have changed so drastically that the prior environmental

document is no longer relevant to the decision-making process. *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 951. Under such circumstances, “it is only logical that the agency start from the beginning.” *Id.*

The proposed Project and surrounding conditions have changed so dramatically since the 1993 FEIR was approved well over 20 years ago that that document is no longer relevant to the decision-making process. The County must therefore start again with a new EIR for the whole Project, including the workforce housing village, new gas island, hotel, and restaurant.

The changes to the Project itself since 1993 are so vast that they are a change in kind rather than a change in scale. In particular, the ten incidental residential housing units proposed in 1993 have transformed into a 150-bedroom workforce housing village that would dwarf the existing population of neighboring Lee Vining, tripling or quadrupling the size of that community in one stroke.

Conditions in the surrounding community have also changed so significantly that the 1993 analysis is no longer relevant. To name a few examples:

- The onsite deli now attracts up to 3,000 people per day to the Project site during peak periods. SEIR 4-11. These visitors were not envisioned in the 1993 FEIR, which did not contemplate a popular deli as part of the convenience store.
- In 1993, Mono Lake had not yet been protected from its then-threatened status due to excessive water diversions. In a 1994 decision, the State Water Resources Control Board protected the Lake from ecological collapse, leading to an increase in lake levels of 9 feet over the next 25 years and allowing the Lake to become a major tourist destination. Thus, the 1993 FEIR considered the visual and aesthetic impacts of the hotel and restaurant in an entirely different context from the one that exists at present. Today, visual impacts must be considered in the context of Mono Lake as a major, pristine scenic resource and attraction.
- The Mono Basin has experienced a large number of significant wildfires since 1993. Before that time, large wildfires were less common, as was the case in much of California. The State as a whole has experienced some of the most devastating wildfires in its

history in the last several years. As a result, the context for the wildfire risk analysis has completely changed.

- Finally, in 1993, there was no Mono Basin Community Plan (“Community Plan”). That document, developed in 2012 and incorporated into the Mono County General Plan, describes the needs and aspirations of the Mono Basin community to better guide decision-makers in evaluating future land use decisions. Community Plan 1. The 1993 FEIR does not account for this significant statement of the community’s own goals and values.

Completing a new EIR for the Project as a whole would allow the County to understand the full range of the Project’s environmental impacts and thus enable it to consider a more complete range of alternatives. For example, one alternative to be considered is siting all of the contemplated uses within the original development footprint approved in 1993. This feat could be accomplished without compromising Project objectives by relocating hotel parking underground to make room for additional housing in its place. In addition to achieving Project objectives, this alternative would reduce environmental impacts—e.g., by relocating workforce housing off of the bluff, thereby lessening visual impacts. This alternative, and others, are discussed in greater detail in Section II.C of this letter, below.

In sum, because the 1993 FEIR is no longer relevant, the County must start again and proceed with a new EIR that addresses the environmental impacts of the Project as a whole—including the restaurant, hotel, workforce housing village, and additional gas island. Without a new EIR considering all of these elements at once, the County would be improperly segmenting the Project and failing to evaluate all of its potentially significant environmental impacts, as well as feasible mitigation measures and alternatives to lessen or avoid such impacts.

## **II. The SEIR’s analysis of and mitigation for the impacts of the proposed Project are inadequate.**

Although the County should have proceeded with a new EIR for the entire project, even if the County could proceed with an SEIR for the workforce housing alone, the document still does not comply with CEQA for the reasons described below. Subsequent EIRs are governed by CEQA’s standards for initial environmental impact reports. *Friends of College of San Mateo Gardens*, 1 Cal.5th at 952, fn.3.

The environmental impact report is “the heart of CEQA.” *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392 (citations omitted) (*Laurel Heights*). It “is an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted). Where, as here, an EIR fails to fully and accurately inform decision makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). Here, the SEIR places Mono County decision-makers in the untenable position of rendering judgment on the Project without the information they need to truly understand its environmental impacts. CEQA does not permit this outcome.

**A. The SEIR’s incomplete and inconsistent project description undermines the analysis of the Project’s environmental effects.**

An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, quoting *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 193. Such a description is “necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.*, quoting *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143. An inaccurate or incomplete project description may infect every subsequent section of the EIR and render the analysis of significant environmental impacts inherently unreliable.

Project descriptions that are internally inconsistent or incomplete are inadequate as a matter of law. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83, 89 (holding that an EIR was inadequate because its project description was “inconsistent and obscure” as to the extent of project activities). An inconsistent description sends “conflicting signals” that may mislead the public and decisionmakers about the project’s scope, preventing informed decision-making about the project’s environmental consequences. *Id.* at 82-84, quoting *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-56.

The SEIR's description of the workforce housing and who it will serve is internally inconsistent. For example, the objective of the workforce housing project is to "provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses." SEIR 3-5. Thus, the Specific Plan Amendment and SEIR, in many places, express a commitment to housing on-site employees. SEIR 4-1 (stating that the Project "has a primary goal of facilitating the construction of up to 100 workforce housing units . . . to accommodate employees of the previously approved hotel and full-service restaurant"); SEIR 4-11 ("These units will . . . provide affordable housing for onsite employees."). Indeed, the provision of onsite employee housing is described as a Project feature in various sections of the impact analysis. The SEIR suggests that onsite housing supports compliance with the County's General Plan, SEIR 5.5-15 ("Provision for onsite employee housing will increase the likelihood that employees will have access to affordable housing near their place of work"), and could reduce fuel consumption and traffic associated with commuting, SEIR 5.8-11 (describing "[p]rovision of onsite workforce housing" as a feature that would "reduce the fuel costs associated with commuting").

In other places, however, the SEIR and Specific Plan Amendment indicate that housing will be made available to people who are employed elsewhere. SEIR 4-9 (stating that the Project's objective is to provide housing for employees of onsite uses "as well as [employees of] offsite land uses in the larger community"); SEIR 5.5-16 ("The workforce housing would, if approved and if units are available, be offered to Lee Vining residents."). During many months of the year, for example, the housing would be "made available to offsite workers, such as ski industry employees." SEIR 5.6-13. In addition to suggesting that the workforce housing will serve off-site employees, the SEIR indicates that the "onsite" employees may not necessarily be employed by any of the uses proposed in the Project: "Home businesses . . . shall be permitted." SEIR 4-20.<sup>1</sup>

In addition to its inconsistent description of *whom* the workforce housing will serve, the SEIR's description of *when* the workforce housing will be constructed relative to the other project elements is internally inconsistent. For example, the original 1993 Specific Plan established a sequence of construction in which the workforce housing would follow the hotel. 1993 Specific Plan and FEIR 12-13. In some places, the SEIR and Specific Plan Amendment adhere to this sequence. Exhibit 3-3 states that the

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<sup>1</sup> The notion that the workforce housing will serve off-site workers has also been publicly promoted as a benefit of the Project. See Rea, *Tioga Inn In The Works*, The Sheet (Nov. 5, 2016), attached hereto as Exhibit 1 (quoting Project applicant Dennis Domaille as saying: "I hesitate to call it employee housing. . . . It's just rental housing.").

workforce housing “will not be constructed until need is demonstrated or when [the] hotel is built.” SEIR 3-4.

But the Specific Plan Amendment also contains contradictory statements about the timing of workforce housing construction. For example, the Specific Plan Amendment’s discussion of phasing rejects the sequence described above, stating that “[S]ome or all of the proposed workforce housing area may be developed in advance of the hotel and the full-service restaurant.” SEIR 3-9; *see also* SEIR 4-13 to -14. Similarly, the aesthetic impacts section of the SEIR assumes that the workforce housing will be constructed either before or concurrently with the hotel. SEIR 5.12-10 (stating that grading will shift material from the housing pad to the hotel site).

These inconsistencies raise the question of whether the workforce housing will actually meet the project objectives. The Project’s workforce housing objective is to “provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses.” SEIR 3-5. But if the workforce housing is built before the hotel and restaurant are constructed, and if it is made available to off-site employees, it will not serve employees of the hotel, restaurant, and other land uses. Instead, it would be just another housing development, with no discernible relationship to the other elements of the Project or the Project’s objectives.

The Specific Plan Amendment and SEIR compound this problem by failing to provide sufficient detail regarding eligibility criteria for the workforce housing. For example, while the SEIR states that occupancy of workforce housing “would be linked to eligibility criteria,” SEIR 5.5-20, its references to such criteria are vague and insufficiently complete. As an initial matter, the reference to eligibility criteria cited in the previous sentence is entirely conclusory and contains no additional explanation. To find additional detail, members of the public must go hunting through the lengthy SEIR document to different sections. In those sections, the SEIR states only that the workforce housing would be available to “employees (whether on the Tioga site or other locations),” SEIR 5.6-7; *see also* SEIR 4-20, and that some form of preference would be given to “employees of the project site.” SEIR 5.6-7. The SEIR does not provide any detail about how these preferences or criteria will operate. For example, if the housing is built before the hotel, will offsite employees be evicted if an onsite employee requests housing once the hotel is built? After the hotel and restaurant are constructed, will hotel or restaurant employees be evicted if they are laid off after the peak summer months, when on-site employment would drop from 187 to as few as 20? *See* SEIR 5.6-13. The document does not answer these questions, nor does it describe how any eligibility criteria would be administered or enforced.

Related to eligibility criteria, the SEIR and Specific Plan Amendment fail to provide a consistent and complete description of whether the workforce housing will be affordable. Although the SEIR frequently references affordability and assumes that the workforce housing will be affordable, *see, e.g.*, SEIR 1-4 (noting that the Project would satisfy the County's goal to provide affordable housing for employees); SEIR 4.11 (stating that workforce housing units will "provide affordable housing for employees"), it does not provide any guarantees as to affordability. Although the SEIR states vaguely that rents are "anticipated to be at or below 30% of household income," it does not *require* affordability or any particular rent. Further, it is not clear whether there will be any income restrictions. Without rent restrictions or income restrictions, there is nothing in place to ensure that the workforce housing is (a) actually affordable for onsite employees, and (b) not a gift to wealthier residents.

In addition to raising questions about whether the workforce housing will meet the Project objectives, these vague and inconsistent descriptions make it impossible for members of the public to analyze the Project's effects on the environment. For example, the Project's traffic and greenhouse gas impacts will depend entirely on whether employees are working on-site or commuting to and from remote locations. *See, e.g.*, SEIR 4-14 ("The provision of onsite workforce housing will minimize home-to-work traffic and fuel consumption."). The Project's compliance with County land use policies regarding affordability will depend on the income and rental restrictions described above. Further, population and housing impacts as well as growth-inducing impacts will depend on whether onsite employees will be adequately served by the workforce housing. If offsite employees have occupied the Project housing, forcing onsite employees to find housing elsewhere, the population of Lee Vining could increase beyond the SEIR's estimates, and the Project could either put a strain on area housing and/or induce new housing and infrastructure to be built. Additionally, demands on public services would be different if the workforce housing were to reach capacity without meeting the needs of onsite employees.

To correct these problems, the SEIR must provide an accurate, consistent, and complete project description. Such a description must include clear eligibility criteria describing in greater detail how the system of preferences and eligibility would operate to ensure that the workforce housing serves onsite employees. Further, the description must guarantee that workforce housing construction will be tied to construction of the hotel and/or restaurant. If the workforce housing is built first, with no guarantee that hotel and restaurant construction will follow—and the last 26 years without construction of these uses suggests that such an outcome is not only possible, but perhaps even likely—the Project will entirely fail to meet its objectives. It will be revealed as simply a façade for a

new housing development that would dwarf the existing community and would have nothing to do with providing local businesses with workforce housing.

**B. The SEIR fails to analyze and mitigate the Project's significant environmental impacts.**

CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. Guidelines § 15151. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. *Id.*; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 355, 358 (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights*, 47 Cal.3d at 392. To accomplish this purpose, an EIR "must contain facts and analysis, not just an agency's bare conclusions." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929, 935. Nor may an agency defer its assessment of important environmental impacts until after the project is approved. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07. An EIR's conclusions must be supported by substantial evidence. *Laurel Heights*, 47 Cal.3d at 392-93.

As documented below, the SEIR fails to identify, analyze, or support with substantial evidence its conclusions regarding the Project's significant environmental impacts, and also fails to consider feasible mitigation for the Project's significant impacts. These deficiencies render the SEIR inadequate under CEQA.

The SEIR suffers from several major problems and is insufficient to support a decision on the Project. In some cases, the SEIR fails altogether to provide the necessary analysis. In other cases, the SEIR provides insufficient mitigation measures, or ignores feasible mitigation measures that could lessen some of the project's substantial impacts. The document also substantially understates the severity and extent of a range of environmental impacts, including but not limited to significant impacts related to visual resources, wildfire evacuations and fire protection services, biological resources, vehicle miles traveled, cumulative greenhouse gas emissions, population and housing, and conflicts with local land use plans. This failure defeats CEQA's purpose of creating a process by which the public and decision-makers can fully appreciate the consequences of Project approval. *See* CEQA Guidelines, § 15002(a)(1) (listing as one of the "basic



purposes” of CEQA to “[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities”).

To ensure that the public and the County’s decision-makers have adequate information to consider the effects of the proposed Project—as well as to comply with the law—the County must prepare and recirculate a revised SEIR that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

**1. The SEIR must revise its analysis of visual and aesthetic impacts and consider additional feasible mitigation measures to reduce significant adverse impacts to visual resources.**

Under CEQA, it is the state’s policy to “[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities.” Pub. Res. Code § 21001(b) (emphasis added). “A substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.” *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 401. No special expertise is required to demonstrate that the Project will result in significant aesthetic impacts. *Id.* at 402 (“Opinions that the [project] will not be aesthetically pleasing is not the special purview of experts.”); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (“[N]o special expertise is required on this topic.”).

The SEIR recognizes the impressive and important visual resources at stake: “In combination with the dramatic Sierra escarpment leading into Yosemite National Park, the otherworldly beauty of Mono Lake is among the outstanding scenic vistas of the world.” SEIR 5.12-4. Further, the SEIR correctly recognizes that the Project’s irreversible changes to scenic and visual resources constitute a significant impact. SEIR 5.12-22.

The Project’s visual impacts are a great source of concern to the Mono Lake Committee and its members. As the SEIR acknowledges, the Project’s impacts are likely to be significant and unavoidable. Given the importance of the Mono Basin’s visual characteristics—as a point of community identity and pride, as a central element of the area’s tourist economy, and as a unique and inherently valuable resource in itself—it is of paramount importance that the County fully and correctly analyze the Project’s impacts to visual resources and consider *all* feasible mitigation measures to lessen those impacts.

The SEIR's analysis, however, falls short in several significant respects. In addition to the numerous deficiencies detailed in the contemporaneously-filed letter from the Mono Lake Committee, the SEIR contains a contradictory and inadequate analysis of impacts from light and glare.

The SEIR's conclusion that light and glare impacts would be significant and unavoidable is not supported by facts or analysis in the SEIR, as required by CEQA. The SEIR first implies that the Project would have a "less than significant impact" related to light and glare. SEIR 5.12-26. The SEIR gestures toward this conclusion based on the Project's compliance with local dark sky and scenic by-way regulations. For example, the SEIR states: "[t]he [Project's] potentially significant light and glare impacts would be reduced to less than significant levels through mandatory compliance with the [dark sky regulations]". *Id.* But after this "analysis," and without any explanation, the SEIR nevertheless concludes that the Project's lighting and glare impacts will be "significant and unavoidable." 5.12-27. This conclusion does not follow logically from the SEIR's purported analysis. As a result, the SEIR is inadequate as a matter of law. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 514 ("[T]he adequacy of an EIR's discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant. 'An EIR's designation of a particular adverse environmental effect as 'significant' does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect.'") (citation omitted). Even though the SEIR correctly concludes that light and glare impacts would be significant, the County must correct its analysis to explain to the public *why* and *how* the Project would affect visual resources. A correct analysis would lead to a more informed discussion of the Project and potential mitigation measures to reduce its impacts.

Furthermore, the SEIR may not correct the analytical error above simply by concluding, based on the same analysis, that the Project's light and glare impacts would be less than significant. As stated above, the SEIR gestures toward that conclusion because of its assertion that light and glare impacts would be "reduced to less than significant levels" based on compliance with local regulations. SEIR 5.12-26. But compliance with local regulations alone is not enough to support a determination that an impact would be less than significant. Instead, the EIR must independently analyze the Project's impacts. *E. Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 302-03 (agency improperly used city's general plan standard as sole threshold to avoid finding significant traffic impacts); *Californians for Alternatives to Toxics v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1, 15-20 (reliance on safety regulations "is inadequate to address environmental concerns under CEQA"). For example, the SEIR must analyze whether compliance with dark sky

regulations will be effective given the placement of the Project on an elevated bluff, where even downward-facing lights will be highly visible from the surrounding area.

When an EIR identifies a Project's impact as severe, the agency must consider all potentially feasible mitigation to lessen the Project's effects on the environment. Guidelines § 15126.4(a)(1) ("An EIR *shall* describe feasible measures which could minimize significant adverse impacts[.]") (emphasis added); § 15126.4(a)(1)(B) ("Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified."). Here, the agency must consider the following feasible mitigation measures to reduce the Project's significant adverse impacts to visual resources:

- Design site grading to mitigate the scenic impacts of the workforce housing village by lowering the ground level until the roofs of the housing structures are not visible from the South Tufa site, near the shores of Mono Lake, or from Highway 395 south of the junction with SR 120.
  - Use fill from the Project site to construct larger earthen berms to obscure the workforce housing village or other Project elements from scenic vantage points.
  - Require greater setbacks from the eastern edge of the sloping moraine on the Project site.
  - Limit building heights. In combination with the other mitigation measures listed here, height limits could effectively reduce the visibility of the workforce housing from the surrounding areas.
  - Require underground parking to reduce the footprint of the site and create additional options for siting structures that may have less significant aesthetic impacts.
  - Separate the housing structures into smaller units. Separating the housing into smaller structures, rather than consolidating the units into a handful of large buildings, could allow for different siting options that could reduce the Project's visual effects.
2. **The SEIR fails to adequately analyze the Project's impacts related to wildfire evacuations and fire protection services.**

As proposed, the Project would site 100 residential units and a previously-approved 120-unit hotel and promontory restaurant on rugged hillside terrain near a windy canyon surrounded by open, wild sagebrush scrub and forested lands. *See generally* SEIR. In so doing, the Project would both create and be located in a wildland urban interface in what the California Department of Forestry and Fire Protection has identified as a moderate fire hazard severity zone. SEIR 5.7-5. Indeed, the history of the area reveals a close call with a wildfire in the recent past. As the SEIR discusses, a wildfire swept down Lee Vining Canyon in 2000, leaving scars on the Project site and coming close to the convenience store. *See* SEIR 5.3-2, 5.3-5. The 2000 wildfire also jumped Highway 395 and resulted in the temporary closure of both roads serving the Project site, Highway 395 and SR 120. *See* Mono Lake Newsletter, *The Lee Vining Canyon Fire* (Summer 2000), attached as Exhibit 2.

Yet despite these hazardous conditions, the SEIR does not identify wildfire-related risk as a significant impact and its analysis is flawed. As an initial matter, the SEIR fails to include any standards or thresholds for assessing the significance of impacts relating to wildfire evacuation. A threshold is a numeric or qualitative level at or below which impacts are normally less than significant. CEQA Guidelines §15064.7(a); *see also Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1107. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job. Thus, for example, while the SEIR asserts that the Project would not interfere with an adopted emergency evacuation plan, it provides no standard by which to evaluate this impact's significance. SEIR 5.7-21.

In place of a well-reasoned analysis, the SEIR simply concludes that the Project would not impair implementation of an emergency response or evacuation plan because the site has access to SR 120. SEIR 5.7-21. But the site's access to evacuation routes alone does not mean that these routes or the roadways provided for people on the Project site to access those routes can safely handle an evacuation of the site during a natural disaster. And although the SEIR includes a mitigation measure—the development of an evacuation plan—it does not contain any explanation or analysis of whether or how such an evacuation plan would be effective.

Alarming, the SEIR contains no analysis of whether US 395, SR 120, or the access road on the Project site have the capacity to handle emergency evacuations in light of the greatly increased population of the workforce housing village and the population of tourists and out-of-town visitors attracted by the hotel and restaurant. Common sense dictates that an EIR should *at least* consider (1) the number of cars attempting to evacuate the project area, along with the significant impacts incident to such an evacuation; (2) the amount of time it would take for all residents and visitors to

clear the site; and (3) the significant impacts to emergency personnel attempting to respond while an evacuation is underway; not to mention (4) whether the County Community Center in Lee Vining that is currently used as an emergency evacuation center could handle the potential increase in evacuees. *See Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175 (“Common sense . . . is an important consideration at all levels of CEQA review.”) Especially in light of the single paved entrance to the site and the placement of the housing at the far end of the single access road, the SEIR’s conclusions that the Project would not impair an evacuation plan is not supported by substantial evidence. As such, the County cannot approve the Project unless it recirculates a revised SEIR that adequately analyzes the aforementioned wildfire evacuation impacts. Once an adequate analysis is provided, the SEIR must evaluate feasible mitigation to lessen any significant impacts. The development of such mitigation may not be deferred until a later date as the SEIR currently attempts.

Related to fire impacts, the SEIR fails to adequately analyze and mitigate the Project’s public-services-related impacts to the Lee Vining Fire Protection District. Neither the public services section nor the wildfire risk section discusses the Project’s impacts on the services available from the Lee Vining Fire Protection District (“LVFPD”). But the Project could have significant adverse impacts related to the LVFPD. The Project, by potentially tripling or quadrupling the population of the Lee Vining area, could significantly increase the demand for the fire protection and emergency medical services that the LVFPD provides. This increased demand could create a need for an expansion of LVFPD facilities or equipment in order to maintain acceptable service ratios and/or response times. The SEIR, however, does not contain any analysis of the Project’s impacts related to fire protection services. While the wildfire-risk section of the SEIR discusses the construction of fire hydrants on-site, SEIR 5.7-23, the number of hydrants onsite has nothing to do with demand for the LVFPD’s services or the Project’s potential to generate a need for additional or modified LVFPD facilities.

These impacts could be especially severe given the volunteer status of the LVFPD. Additional calls related to new development, including both fire-related and emergency-medical-related calls, could stretch volunteers thin and reduce levels of safety in the community. And maintaining existing levels of service despite new demand could cause fundamental changes to LVFPD operations. As a volunteer department, LVFPD cannot simply “scale up” and hire additional firefighters due to new development. Instead, the LVFPD would have to significantly change its mode of operation to hire even a single paid firefighter as an employee. The County should consider, as a mitigation measure, creating a new paramedic unit based in Lee Vining and requiring the Project to pay fees for its fair share of the costs of providing the needed service.

We understand that the LVFPD is preparing a comment letter responding to the SEIR. The County must recirculate a revised SEIR that adequately analyzes the Project's impacts related to fire protection services, including a clear analysis of the points raised above, as well as those submitted by the LVFPD. The recirculated SEIR should also contain feasible mitigation for any impacts identified. For example, the SEIR should impose mitigation fees that require the Project proponents to pay for their fair share of the increased service costs caused by the Project.

**3. The SEIR fails to adequately analyze and mitigate significant adverse impacts related to biological resources.**

The SEIR correctly concludes that the Project will have a significant and unavoidable impact related to the migratory patterns of wildlife, including mule deer. SEIR 5.3-21. Nevertheless, the SEIR must still adequately and accurately describe the nature of the Project's impacts on the mule deer, *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514 (“An EIR’s designation of a particular adverse environmental effect as ‘significant’ does not excuse the EIR’s failure to reasonably describe the nature and magnitude of the adverse effect.”), and it may not rely on ineffective and unenforceable mitigation measures. The SEIR falls short on both accounts, as explained in letter submitted contemporaneously by the Mono Lake Committee. That letter’s comments regarding impacts to mule deer, the inadequacy of the SEIR’s proposed mitigation measures, and proposals for additional feasible mitigation measures are incorporated by reference herein.

**4. The SEIR fails to adequately analyze and mitigate significant adverse impacts related to vehicle miles traveled.**

CEQA is an information-forcing statute, and its purpose is to inform the public about a Project’s potential environmental impacts. Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . .”). An EIR’s discussion of impacts is legally acceptable “if it provides sufficient information and analysis to allow the public to discern the basis for the agency’s impact findings.” *Californians for Alternatives to Toxics v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1, 13.

The SEIR’s uniquely uninformative discussion of vehicle miles traveled (“VMT”) falls far short of this standard. The SEIR simply states that Mono County has not yet adopted a threshold of significance for VMT. 5.9-10. It then indicates that the annual VMT for the Project is estimated to be 872.133 miles, and that the cumulative

VMT for the Project with the already-approved elements is estimated to be 3,277.43 miles. *Id.*

The SEIR provides no analysis of these figures. There is no baseline presented regarding VMTs absent the Project. *See* CEQA Guidelines § 15125 (“An EIR must include a description of the physical environmental conditions” to constitute “the baseline . . . by which a lead agency determines whether an impact is significant.”). There is no discussion of the relationship between any particular amount of VMTs and the corresponding effect on the environment. Nor is there any explanation of what the VMT figures actually represent or the assumptions that went into their calculation, which makes it impossible to assess their accuracy. For example, did the VMTs include the addition of 60-mile round-trip commutes from the workforce housing to Mammoth Mountain Ski Area, given the acknowledged availability of workforce housing to ski area employees? The SEIR does not say. Such a bare presentation of uncontextualized figures, untethered to any information that might help the public reach a conclusion about the Project’s environmental effects, is inadequate.

Further, the SEIR’s conclusion that the Project would have a less than significant impact related to VMTs is inadequate because the SEIR’s qualitative analysis is flawed. The SEIR assumes that VMTs will be insignificant because the Project is adjacent to a public transit stop and because the applicant “intends” to provide space for an Eastern Sierra Transit Authority (“ESTA”) bus stop onsite if the project is approved. SEIR 5.9-10. The SEIR, however, does not provide any evidence or analysis to support its assumption that workforce housing residents will take public transportation. And the SEIR cannot rely on an applicant’s mere “intent” without more. For the SEIR to rely on the presence of an ESTA bus stop onsite in reaching its conclusion that the Project would have a less than significant effect on VMTs, the SEIR must *require* that the Project include such a feature.

Nor may the SEIR “presume” that the Project would cause a less than significant transportation impact pursuant to Guidelines section 15064.3, which the SEIR adopts as a threshold for significance. SEIR 5.9-8. Section 15064.3(b)(1) states that such a presumption may apply to a project within one-half mile of an existing major transit stop or a stop along an existing high quality transit corridor. But the SEIR does not identify whether either of these factors is present. *See* Pub. Res. Code § 21064.3 (defining “Major transit stop” as “the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less” during peak commute times); Pub. Res. Code § 21155(b) (defining a “high-quality transit corridor” as a corridor with bus service with service intervals no longer than 15 minutes during peak commute times). ESTA in particular, while it does provide a valuable service, does not support the site’s

meeting the criteria for a major transit stop or a high quality transit corridor. *See* Exhibit 3, ESTA Transit Schedule, Lone Pine to Reno Route.

Finally, it is not clear from the analysis of VMT whether the SEIR has taken into account the fact that the workforce housing units may be inhabited by offsite employees, some with significant commutes to Mammoth Lakes, ski areas, Yosemite National Park, or more remote locations. *See* SEIR 5.6-13. Thus, considering all of the above, the SEIR's conclusion related to VMTs is not supported by substantial evidence.

**5. The SEIR fails to analyze cumulative impacts related to greenhouse gas emissions.**

CEQA requires the lead agency to analyze and mitigate a Project's potentially significant cumulative impacts. CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. An effect is "cumulatively considerable" when the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15065(a)(3). A proper cumulative impact analysis is "absolutely critical," *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217, as it is a mechanism for controlling "the piecemeal approval of several projects that, taken together, could overwhelm the natural environment," *Las Virgenes Homeowners Federation, Inc. v. County of L.A.* (1986) 177 Cal.App.3d 300, 306. GHG emissions in particular are inherently cumulative. In evaluating GHG emissions, the County must focus on the Project's "incremental contribution" to climate change, which may be "cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions." Guidelines § 15064.4(b).

The SEIR fails to analyze the GHG impacts of the Project in combination with the GHG impacts from the previously approved elements (i.e., the hotel and restaurant), either as part of the stand-alone GHG section or in the cumulative impact analysis section. This flaw is particularly problematic in light of the fact that the 1993 FEIR did not include any analysis of climate change.<sup>2</sup> Because of these omissions, there is *no analysis* of the GHG emissions resulting from the hotel and restaurant available to the public.

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<sup>2</sup> Nor is there any evidence that the GHG emissions from the already approved but not constructed elements of the Specific Plan are included in the SEIR's GHG baseline.



The unstudied GHG impacts could be independently as well as cumulatively considerable. The hotel and restaurant alone are anticipated to draw robust tourist traffic, often from distant locations, resulting in potentially significant transportation-related emissions. Indeed, as the SEIR's VMT analysis indicates, the Project's cumulative VMTs are almost four times more considerable than the VMTs generated by the workforce housing alone. SEIR 5.9-10. Because this analysis is absent, however, and cumulative GHG emissions from already-approved elements are not included in the County's GHG calculations, the County's conclusion that the Project will not meet the 3,000 MT CO<sub>2</sub>e threshold of significance is not supported by substantial evidence. The County must re-do these calculations taking into account all of the Project's elements.

The SEIR's silence as to the cumulative GHG emissions impacts of the previously approved and newly proposed Project elements is not permissible. CEQA Guidelines § 15130(a) (setting forth the requirement that an EIR shall discuss cumulatively considerable effects and "briefly describe its basis for concluding that [an] incremental effect is not cumulatively considerable."). The SEIR must be revised to calculate the Project's cumulative increase in GHG emissions and assess its significance.

**6. The SEIR's analysis of population and housing impacts is inadequate.**

Under CEQA, a project has significant impacts if it would "induce substantial unplanned population growth in an area, either directly . . . or indirectly[.]" Guidelines, Appendix G, section XIV.a. This Project will cause a significant impact in Lee Vining by effectively tripling or quadrupling the population of the area. As the SEIR states, Lee Vining proper has a current population of about 90, SEIR 5.6-4, and the workforce housing village—not including the transient residents of the hotel—will increase the population of Lee Vining by 194 to 293 people, SEIR 5.6-10, an increase of more than 300%, SEIR 5.6-14.

The SEIR's analysis of population and housing impacts has several significant flaws that render it legally deficient. First, the SEIR incorrectly analyzes the Project's population and housing impacts in relation to projected theoretical growth in the Mono Basin area. *See* 5.6-11 to -12. But because the population impacts will directly impact Lee Vining, the town of Lee Vining, and not the Mono Basin area, is the correct framework for this analysis.

Second, the SEIR erroneously compares the Project's population and housing impacts against a future baseline, rather than a baseline of current conditions,

without justifying its choice. Conditions existing “at the time the notice of preparation is published . . . will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines section 15125. An agency *may* select a baseline of projected future conditions if such a decision “is justified by unusual aspects of the project or the surrounding conditions.” *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 508-09. The SEIR does not identify any such unusual circumstances or conditions here, nor does it otherwise justify the selection of projected future growth as a baseline. In fact, the only unusual circumstances present—a Project that would quadruple the population of a town in one stroke—suggest that a baseline of current conditions is more appropriate.

Additionally, the selection of the “practical build-out” scenario described in the General Plan as a baseline or a threshold of significance for population growth is grossly inappropriate, *see* SEIR 5.6-11, given the General Plan EIR’s description of what that scenario describes. The “practical build-out” scenario is based on the theoretical maximum build-out of all parcels in the County—i.e., a scenario that assumes that “build-out will include 100% of the total dwelling units that could potentially be built.” Mono County General Plan EIR 4.12-6. The practical build-out scenario takes into account known constraints related to hazards, infrastructure limitations, and agricultural preservation. But “even the ‘practical’ [scenario] overstates development.” *Id.* Notably, the General Plan EIR states that one of the reasons the practical scenario overstates development is because it fails to account for “environmental concerns” that would effectively limit development. *Id.*, 4.12-6 to -7.

The SEIR cannot legitimately determine that a current Project will have no significant adverse environmental effects related to population growth because it compares favorably to a hypothetical future scenario that overstates development and *fails to account for environmental concerns*. Such a hypothetical future scenario cannot be said to represent “planned” growth, making the SEIR’s use of that scenario in evaluating whether a project would “induce substantial unplanned population growth” arbitrary and capricious. *See* SEIR 5.6-7. Further, in relying on the practical build-out scenario, the SEIR fails to analyze the Project’s actual population impacts: to name one example, there is no discussion of how Lee Vining will absorb quadrupled parking demand when parking is already a scarce resource, and the greater demand for parking could result in greater traffic and related emissions from visitors circling for parking or the environmentally-damaging construction of new parking infrastructure (especially given the acknowledged uncertainty as to whether pedestrian and bicycle improvements would be implemented, *see* SEIR 5.9-9).

The SEIR must re-do its analysis of population and housing impacts using an appropriate baseline and incorporating an appropriate and well-supported analysis of *actual* impacts related to population growth.

**7. The SEIR fails to identify the Project’s significant adverse land use impacts related to conflicts with local land use plans in violation of both CEQA and the State Planning and Zoning Law.**

CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans. *See Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 356; Guidelines § 15125(d). Inconsistencies with a general plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in and of themselves and can also be evidence of other significant impacts.

Furthermore, the State Planning and Zoning Law (Gov. Code § 65000 et seq.) requires that development decisions—including specific plans and amendments of specific plans—be consistent with the jurisdiction’s general plan. Gov. Code §§ 65359, 65454. “Under state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. The requirement of consistency with the general plan includes consistency with provisions of local land use plans incorporated into the general plan. *See Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153. Accordingly, “[t]he consistency doctrine is the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” *Napa Citizens*, 91 Cal.App.4th at 379. The project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determining question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” *Id.* at 379. As discussed in more detail below, the Project is directly inconsistent with numerous provisions in the General Plan and documents incorporated into the General Plan.

Because the SEIR fails to identify various conflicts and inconsistencies with local land use plans as a significant adverse impact, the SEIR is legally deficient.

The Project conflicts with local land use plan goals related to preserving aesthetic and scenic values. The Mono Basin Community Plan (“Community Plan”) contains a goal stating that the County should “[m]aintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth[ and] ensuring high-quality aesthetics . . . .” Community Plan at 17. To implement this goal, the Community Plan sets forth a policy to “support design practices that protect scenic vistas,” which may be implemented by “[e]ncourag[ing] the siting and design of buildings to preserve scenic vistas.” Community Plan at 18. The values reflected in these goals and actions are at the heart of the Community Plan, and they appear throughout the document. *See* Community Plan at 13 (emphasizing “small, compact communities” and “low-density limited development patterns lead[ing] to a small-town rural character,” as well as “a healthy natural environment with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space. We protect and cherish the natural character of the land by minimizing the intrusiveness of structures, protecting our natural assets, and being environmentally responsible.”). The Project conflicts with these goals and policies. As the SEIR acknowledges, and as discussed at greater length in Section II.B.1 of this letter, the Project will have a significant adverse impact on scenic vistas. SEIR 5.12-22.

In light of this conflict, the SEIR incorrectly concludes that the Project will have a less than significant impact related to conflicts with local land use plans. *See* SEIR 5.5-24. This conclusion is not supported by substantial evidence, as the SEIR itself acknowledges that aesthetic impacts will be significant. SEIR 5.12-22. Further, the SEIR’s attempt to explain away this conflict is inadequate. *See* SEIR 5.5-16. The SEIR states that the newly proposed project uses will not conflict with maintaining scenic values because they will not “substantively change the rural character and scenic values of the site *relative to existing approvals*.” SEIR 5.5-16 (emphasis added). The SEIR further responds to Community Plan policies to preserve scenic vistas by stating that the Project’s design elements will be in harmony with existing development onsite, and siting of new uses “incorporate[] . . . visual perspectives gained from the schematic renderings.” SEIR 5.5-18. But the SEIR later concludes that the newly proposed workforce housing itself would be visible from the southern and eastern portions of Mono Lake, disturbing scenic vistas independent of any disturbances from approved uses. SEIR 5.12-13.<sup>3</sup>

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<sup>3</sup> The Project’s placement and visibility from scenic viewpoints and from Highway 395 also conflict with the County’s Ridgeline Development Design Guidelines (“Structures should not be located on or near visually prominent areas . . . or ridgelines”), *see also*

For similar reasons, the SEIR is legally deficient because it fails to recognize conflicts with traffic/circulation and public safety policies as significant adverse land use impacts. For example, the Community Plan includes a policy related to providing “safe and convenient pedestrian and biking facilities.” Community Plan 23. But, despite the fact that the Project will have significant adverse pedestrian safety impacts, and there is no guaranteed mitigation to address those impacts, SEIR 5.8-9, the SEIR fails to identify a conflict with the Community Plan’s policy.

The SEIR also fails to recognize inconsistencies between the Project and local land use plan policies related to workforce housing and affordable housing. The Community Plan sets forth a goal to increase workforce housing, and notes that the County should “[e]stablish tenant eligibility criteria, *including a time requirement as a local resident and/or local employee*, for workforce housing units.” Community Plan at 21. Yet despite the SEIR’s assurances that the Project would increase workforce housing and contain eligibility criteria, *see* SEIR 5.5-20, the SEIR and Specific Plan Amendment contain insufficient eligibility criteria, *see* Section II.A, *supra*. Further, the document’s vague references to tenant eligibility do not include any time requirements. In fact, the SEIR’s statements that workforce housing could serve off-site ski industry employees suggests that the housing may not serve “local employee[s]” at all.

In terms of affordable housing policies, the General Plan’s housing element requires development projects to comply with County Code requirements for affordable housing. Housing Element 73 (“Program 2.9: Development projects shall comply with the Mono County Housing Requirements (Mono County Code 15.40), which requires development projects to include affordable housing.”).<sup>4</sup> But the SEIR does not contain any description of guaranteed income or rent restrictions and thus does not ensure either that all of the housing will be affordable or that the Project will be in compliance with the County Code’s requirements for affordable housing.

These inconsistencies and inadequacies may lead to the Project’s workforce housing serving off-site employees working dozens of miles away, with no guarantee that the housing will be affordable. Such an outcome would frustrate the goals and policies of

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SEIR 5.12-10, and Mono County Scenic Combining District regulations, *see* SEIR 5.12-20 (“New structures shall be situated where, to the extent feasible, they will be least visible from the state scenic highway.”).

<sup>4</sup> Although it appears as though the County’s inclusionary housing ordinance is temporarily suspended, SEIR 5.6-7, the SEIR should still analyze these policies because they are in the General Plan, and the ordinances may be re-instated.

the General Plan and Community Plan to provide affordable workforce housing, and approval of the SEIR would thus violate the Planning and Zoning Law.

**C. The SEIR Fails to Adequately Analyze Alternatives to the Project.**

The SEIR does not comply with the requirements of CEQA because it fails to undertake a legally sufficient study of alternatives to the Project. CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002. As such, a “major function of an EIR is ‘to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.’” *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 203 (citation omitted). To fulfill this function, an EIR must consider a “reasonable range” of alternatives “that will foster informed decision making and public participation.” Guidelines § 15126.6(a). “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR . . . .” *Kings County Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

Here, the SEIR’s analysis of alternatives is legally deficient in several ways. First, the analysis of the Optional Siting Alternative is arbitrarily constrained. Although the SEIR’s discussion of the Optional Siting Alternative from the 1993 Specific Plan acknowledges that “it is still potentially feasible to consider alternative siting layouts” because the hotel and restaurant have not yet been developed, the SEIR duplicates errors in the 1993 FEIR’s alternatives analysis and arbitrarily rejects alternative sites. For example, the SEIR rejects alternative sites for the hotel and restaurant that would mitigate visual and aesthetic impacts because alternative sites “would [not] meet the project objective to deliver outstanding views.” SEIR 7-5. But “delivering outstanding views” has never been a Project objective. The Project’s objectives are, rather, to “draw upon” tourist traffic through Mono County and “provide a complete range of services” to visitors. SEIR 3-3. There are no objectives related to providing visitors with views. Rather, the visual objective of the Project is “to blend into the natural setting through careful structure siting.” SEIR 3-3. Thus, the SEIR’s conclusion that the Optional Siting Alternative fails to meet Project objectives is arbitrary.

Second, the analysis of the Reduced Development Alternative is arbitrary, and the SEIR’s analysis is flawed and incomplete. As an initial matter, although the SEIR identifies the Reduced Development Alternative as environmentally superior, SEIR 7-7, the SEIR fails to explain its seemingly nonsensical conclusion that “this alternative would reduce the acreage designated for Open Space-Preserve compared to the project as

proposed.” SEIR 7-5. It violates common sense that a less intensive development would decrease the amount of open space available on the Project site, and the SEIR does not provide any evidence or analysis to support its conclusion.

Similarly, the SEIR does not provide any explanation for its conclusions that the Reduced Development Alternative would be less effective in meeting Project objectives. For example, the SEIR does not explain how reducing the amount of workforce housing available onsite would reduce the Project’s ability to “provide [a] full range of tourist/traveler/resident services,” to “optimize customer views” (though note, as argued above, that this is not properly a Project objective), to “strengthen [the] area economy,” or to “[u]pgrade infrastructure sizing to meet needs.” SEIR 7-7 to -8. Because there is no apparent reason why reducing the size of the workforce housing village would impair these objectives, and the SEIR does not provide any explanation, the SEIR has arbitrarily rejected the environmentally superior alternative.

Finally, the SEIR should consider additional feasible alternatives that would meet the Project objectives and be more effective in reducing environmental impacts. A discussion of several such alternatives is included in the contemporaneously-submitted letter by the Mono Lake Committee. The discussion of alternatives in the Mono Lake Committee’s letter is adopted and incorporated by reference herein.

### **III. Conclusion**

For all of the foregoing reasons, we respectfully submit that the County cannot lawfully approve the SEIR and Project in their current form. The County must start environmental review again and prepare a new EIR for the whole Project, rather than an SEIR for a portion of the Project. But even if the County (unlawfully) elects to proceed via an SEIR, the proposed SEIR is deeply flawed and fails to inform the public of the full impacts of the Project. Before considering this Project further, the County should fully analyze the Project’s numerous significant impacts, develop adequate mitigation measures, and properly analyze a reasonable range of alternatives that would avoid or substantially lessen impacts.

Michael Draper  
August 21, 2019  
Page 25

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Handwritten signature of Amy J. Bricker in blue ink.

Amy J. Bricker

Handwritten signature of Aaron M. Stanton in blue ink.

Aaron M. Stanton

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# **EXHIBIT 1**

# The Sheet

News, Views & Culture of the Eastern Sierra

Saturday, November 5, 2016

FREE

Vol. 14, No. Pedro



Lucy (left) and Molly Jacoby chow down at Dave Easterby's State Farm office on Friday, October 28. For more photos, see p. 12.

## BISHOP GETS EXTRA!

Expanded grocery store is all the rage

By James

Shoppers in Bishop are flocking to the newly renovated and greatly expanded Smart & Final Store in Bishop. All around town people are enthusiastically asking friends if they "have been to the new Smart & Final," and going on about how great it is.

Local competitors are waiting to see what impact the bigger store will have on business, says Manor Market owner Kyle Oney.

The Bishop store, now dubbed a "Smart & Final Extra!" has more options than ever. There is a large dairy and fresh meat section, a greatly expanded liquor section, and most striking is the large produce section and an extensive bulk foods department in which nuts and other dry goods are sold from self-service bins.

The new store's manager said that it will employ approximately 40 employees and are still accepting job applications.

Smart & Final's appeal has always been its low prices on selected items—it has long been the store of choice for operators of small restaurants, catering companies, businesses, clubs and civic organizations looking to buy food products in bulk. It also offers low prices on household goods such as cleaning products. Smart & Final are seen as the preferred location for stocking kitchens and preparing for holidays, parties and events.

The limited selection available at the small store in Bishop also limited the number of shoppers. Local shoppers often prefer neighboring Vons out of convenience for its much larger selection of brand-name foods, even if prices were higher.

Parking at Vons is also much more convenient.

Smart & Final's main competitor in Bishop is Vons, which also made some

see SMART, page 10



PHOTO: JAMES

Sierra Wave's Bill LeFever is about to break character and go nuts at the expanded Smart & Final in Bishop.

## BAD BEARS, WHAT YA GONNA DO?



"Steve Searles" (Hannah DeGoey) arrests a problem bear (Krystle Stewart) on Halloween. Remember, bears are still active at this time of year and are looking to bulk up for winter. Lock up your dumpsters and keep any leftover Halloween candy out of their paws. See more Halloween photos, p. 13.

## NEW POLICIES, OLD SUSPICIONS

LADWP lease changes create anxiety

By Bodine

The Los Angeles Department of Water and Power (LADWP) Board of Commissioners finalized new ranch leases for Inyo County at its October 27 meeting. The leases contain brand new language and policies, including leases being made transferable between family members. However, a lease, typically a five-year agreement, can only be sold to a third party, once.

Once. A rancher could sell his or her lease to another party, but when the new lease is up, it will go out to bid. This leaves little incentive for the lessees to invest in their busi-

ness if they know they won't be able recoup their capital investments.

The one-time transfer devalues the lease and nullifies investments and improvements (like structures) lessees have put into the property or business.

"If they're not sure they can make their money back on capital improvements there's not much incentive to grow and invest," said Nathan Reade, Inyo-Mono County Agricultural Commissioner.

The one-time transfer appears to be in direct violation of the Charles Brown Act, California Senate Bill 883, that grants existing lessees

right of first refusal before the lease goes out to bid but applies only if an entity owns more than 50 percent of private land in another county.

James Yannotta, Manager of the Aqueduct for LADWP, told The Sheet in an email that LADWP sells and leases City of Los Angeles property located in Inyo County in accordance with the Charles Brown Act, Los Angeles City Charter, and LADWP policies and procedures.

The City of Los Angeles owns about 251,958 acres in Inyo County, or about 89 percent of the private land, and 62,501 acres, or just under

see LEASES, page 8

The sound of music

/p. 11/

Dirt lots

/p. 10/

Some game!

/p. 19/

High on life

/p. 7/

Can't stop progress

/p. 6/

# TIOGA INN IN THE WORKS

After sitting on the shelf for twenty years, plans develop for a hotel at the site of the Tioga Gas Mart

By Rea

When Dennis Domaille bought the property overlooking Mono Lake that eventually became the Tioga Gas Mart, he had plans to build a hotel there, he told The Sheet in July as the Gas Mart (also known as simply "The Mobil") neared its 20th anniversary.

"To make a long story short," he said at the time, "the gas station got built and has turned out to be incredibly successful—to the point that I didn't need to really do any more...development. I had my hands full..."

It seems the time for that development is here after all. Dennis and Jane Domaille submitted a Notice of Preparation to the Mono County Community Development Department on October 21 for the proposed "Tioga Inn," a 120-room hotel with a 200-seat restaurant that will be built adjacent to the current Tioga Gas Mart.

Their application to build the hotel and restaurant was approved in 1993, but they have reworked the design and added a few features in the 20 years since they opened the Tioga Gas Mart.

The proposed acreage of the entire compound is reduced from 73.7 acres (in 1993) to 67.83 acres, but the hotel is now a proposed three stories, as opposed to two stories in 1993.

"My motivation for that is twofold," Dennis Domaille told The Sheet on Wednesday, November 2. "One, a three

story building is more energy efficient. And the other thing is that by making the footprint of the hotel smaller, we maintain views from the gas station... the gas station is probably much more important to the people of the Eastern Sierra than the hotel is," he said with a laugh, referencing the Tioga Gas Mart's iconic views and role as a summer watering hole and music venue for both east and west siders alike.

The Domailles also want to boost the restaurant's capacity from 100 to 200 seats and build up to 80 workforce housing units onsite.

"I hesitate to call it employee housing," Domaille said. "It's just rental housing. But my goal is to make it affordable. Which for single people are small, compact, energy-efficient units so it doesn't cost them a fortune to live there. It seems that's what the kids and the millennials kind of want. They don't want to tie up all their income in rent."

Domaille said that the Tioga Gas Mart currently employs 38 people in the height of summer, and that the hotel is projected to need about 50 employees. He hopes that the Tioga Inn will bring more life to the small, seasonally-booming town of Lee Vining and fill its school with more children whose parents have year-round employment.

A scoping meeting at the Lee Vining

Community Center on October 27 brought about 50 community members out to hear Domaille's proposal, said Janet Carle, co-founder of 350 Mono, a climate change activism group.

"There is a certain amount of concern about whether or not the infrastructure of Lee Vining can handle the impact of the increased visitation," said Ellen King, Membership Coordinator for the Mono Lake Committee. "[There could be] a big jump in the use of water, fire [protection services], and possibly schools and things like that," she told The Sheet on Wednesday. However, she said, "Dennis was very upfront, he was there and spoke at length at the meeting" about the future of the project.

Domaille told The Sheet he's not particularly interested in acting as a hotel operator, and most likely would go through the process of getting the Subsequent Environmental Impact Report (SEIR) approved and then sell the project to the right developer.

Carle told The Sheet that "the community needs to be a watchdog... and say, 'this is what we want,'" regarding the project, especially if it is not being developed by the Domailles themselves.

"Let's make this a project we can all be proud of, that the community can be proud of, that will be a signature project for the eastern Sierra...it's a big deal for the [Mono] Basin especially."

Both Carle and King mentioned the desire to have sustainable components integrated into the facility, such as solar panels and greywater systems. Carle wrote a letter to Gerry LeFrancois, Land Use and Transportation Planner for Mono County, urging that the project be energy efficient and that the proposed workforce housing

be built apartment-style, rather than cabin-style as the current employee dwellings at the Tioga Gas Mart are designed. "The current proposal is for 80 small cabins," Carle wrote. "This is inefficient in a mountain climate with major energy demands for heating in the winter. Two or three apartment-style buildings could be more energy efficient."

She also said that water conservation is of utmost importance. This project should be a showcase for using water wisely," she wrote. "Native, drought-tolerant landscaping throughout this new project is desirable. This is the future."

Domaille told The Sheet that the state of California has come a long way in allowing things like grey water systems (where water draining from sinks and showers can be recycled for underground use in landscaping, for instance) to be used in new projects. Other than in Mammoth, Domaille said, "this is probably the first hotel that will be built in the eastern Sierra in 60 years." California also now has "solar-ready" building requirements for any new nonresidential structures in the state, which require "solar zones" calculated based on the size of buildings. "We would like to see enough solar installation and energy saving design elements to [make the Tioga Inn] a net zero energy user," Carle wrote in her letter.

Domaille told The Sheet that he is currently installing solar panels on the Tioga Gas Mart, and was expecting the panels to be installed before the weekend. He expects that the panels will provide 75-80 percent of the current building's energy needs. "It just makes sense," he said. "Solar technology has just come so far in the last decade."

The comment period for the SEIR for the Tioga Inn runs through November 21. However, LaFrancois told The Sheet that the public will have three more opportunities for public comment.

Public comment can be directed to Mono County c/o Gerry LeFrancois. P.O. Box 347 Mammoth Lakes, CA. 93546. Email: glefrancois@mono.ca.gov.

## MMSO ANNUAL SPORTS SWAP

November 5

Mammoth Middle School • 1600 Meridian Blvd

11am - 2pm

\$10 Family Entry

⇒ MAMMOTH MOUNTAIN confirmed seller ⇐

**\*\*Early Bird Tickets\*\***  
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THANK YOU  
for supporting  
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contact Nora Urdi at (720) 937-9835 to reserve a sales site

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Margie Walters, Owner

# **EXHIBIT 2**

## The Lee Vining Canyon fire

In the morning on May 29, 2000, a wildfire broke out in Lee Vining Canyon, near route 120 to Yosemite. The cause is unknown and under investigation but suspected to be human-caused, possibly a campfire. The fire was not the result of any prescribed burn activity.

No structures were burned, or people injured, but the fire came quite close to the Forest Service Ranger Station and the Tioga Gas Mart and temporarily closed both Highways 120 and 395. Generally, it burned the south moraine slopes in Lee Vining Canyon, going up and over the top to Horse Meadow. It also burned eastward from the moraine crest, and jumped Highway 395, burning a small area east of the highway.

Six hand crews, twelve fire engines, five water tenders, and two helicopters worked to control the fire. Many local

fire agencies were involved in the effort.

Happily, the winds did not push the fire north into Lee Vining, but the fire was only a mile away! Avid Mono Lake WebCam watchers noticed the smoke in Sunday's WebCam images.

The following images were taken the day of the fire. 



Photos by Arya Degenhardt



Photo by Geoffrey McQuilkin

A long-planned expansion project is currently in progress on Highway 395 just south of Lee Vining turning the two-lane section into a four-lane split highway. Although highway expansions have many associated issues, Caltrans' four-lane project will be better than the existing highway for Rush, Walker, Parker, and Lee Vining creeks. The new bridge on Rush Creek (construction shown above) and the culverts on the other streams are designed to improve fish passage and handle higher flows. The Committee is keeping an eye on construction disturbance along the stream banks during the peak flow period this summer. Flows should be relatively low in this just-under-normal year.

### Correction

In the Spring 2000 *Newsletter*, we reported that the Mono Lake Committee had been awarded a \$25,000 grant from the Commission for Environmental Cooperation (CEC) to integrate migratory bird studies with restoration activities in the Mono Basin. In fact, the Committee was awarded \$19,500 from the North American Fund for Environmental Cooperation (NAFEC).

The CEC created NAFEC in 1995 as a means to fund community-based projects in Canada, Mexico and the United States that promote conservation, protection, and enhancement of the North American environment.

Funding from NAFEC and Mono Lake Committee Members' made it possible for the Committee to launch the initial version of the Mono Basin Clearinghouse Website [www.monobasinresearch.org](http://www.monobasinresearch.org). The Clearinghouse is growing into a comprehensive source of scientific and historical information on the Mono Basin.

We thank NAFEC for supporting the Committee's work.

# **EXHIBIT 3**



No Service on Weekends

Home / Routes &amp; Schedule / 395 Routes / Lone Pine to Reno

## Lone Pine to Reno Route

### Schedule: Lone Pine to Reno (northbound route)

Stop	Monday – Friday	Address/Location
Lone Pine	6:15 am Beginning 9/16/2019: 6:10 am	McDonald's (601 S. Main Street)
Independence	6:30 am Beginning 9/16/2019: 6:27 am	In front of Courthouse (168 Edwards Street)
Aberdeen	6:45 am Beginning 9/16/2019: 6:35 am	Aberdeen Store <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Big Pine	7:00 am Beginning 9/16/2019: 6:53 am	Bartel & Newman
Big Pine	7:02 am Beginning 9/16/2019: 6:53 am	Main Street bus shelter
Big Pine	7:05 am Beginning 9/16/2019: 6:53 am	Reynolds Road
Bishop	7:30 am Beginning 9/16/2019: 7:25 am	Vons/Kmart; 1200 N. Main Street
Tom's Place	7:55 am	Bus shelter just west of store/café; 8180 Crowley Lake Pl. <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Crowley Lake	8:05 am	Bus shelter at Community Center; 529 S. Landing Rd.
Mammoth Lakes	8:20 am	<a href="#">Stop 25 just west of Vons</a> (481 Old Mammoth Rd.)
June Lake Junction	8:40 am Beginning 9/16/2019: 8:50 am	Hwy 395 at CA Hwy 158 <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Lee Vining	8:50 am Beginning 9/16/2019: 9:00 am	In front of Caltrans yard, across from Chevron
Bridgeport	9:20 am Beginning 9/16/2019: 9:36 am	121 Emigrant St, (by the park)
Walker	10:00 am Beginning 9/16/2019: 10:12 am	Walker Country Store, 107700 US 395
Coleville	10:05 am Beginning 9/16/2019: 10:15 am	U.S. Post Office <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Gardnerville	10:45 am Beginning 9/16/2019: 10:50 am	Smiths; 1341 US Hwy 395N <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Carson City	11:10 am Beginning 9/16/2019: 11:17 am	Hot Springs & Retail/Walmart (JAC Stop): Just west of Walmart (3200 Market Street) <i>As of 2/1/2018</i>
Reno-Tahoe International Airport	12:00 pm	Ground Transportation Area outside Door "D"
Reno/Sparks Greyhound (Centennial Plaza Transit Center)	12:15 pm Beginning 9/16/2019: 12:10 pm	Northwest corner of Victorian Ave. and Victorian Plaza Cir. (1408 Victorian Ave., Sparks, NV) <i>*ESTA bus does NOT stop inside of Centennial Plaza Transit Center. It stops on the North side</i>






Stops marked with a telephone icon require 24-hour advance notice. Please [call \(760\) 872-1901](tel:7608721901) to request this stop.


[REQUEST A RESERVATION](#)

[HOLIDAY SCHEDULE](#)

### Schedule: Reno to Lone Pine (southbound route)

[Translate »](#)

Stop	Monday – Friday	Address/Location
Reno/Sparks Greyhound (Centennial Plaza Transit Center)	1:10 pm Beginning 9/16/2019: 1:30 pm	Northwest corner of Victorian Ave. and Victorian Plaza Cir. (1408 Victorian Ave., Sparks, NV 89705) *ESTA bus does NOT stop inside of Centennial Plaza Transit Center. It stops on the North side
Reno-Tahoe International Airport	1:30 pm Beginning 9/16/2019: 1:40 pm	Ground Transportation Area outside Door "D"
Carson City	2:05 pm Beginning 9/16/2019: 2:15 pm	Hot Springs & Retail/Walmart (JAC Stop): Just west of Walmart (3200 Market Street) <i>As of 2/1/2018</i>
 Gardnerville	2:30 pm Beginning 9/16/2019: 2:45 pm	AM/PM mini-market; 1338 Hwy 395 <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
 Coleville	3:05 pm Beginning 9/16/2019: 3:25 pm	U.S. Post Office <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Walker	3:10 pm Beginning 9/16/2019: 3:30 pm	Walker Country Store, 107700 US 395
Bridgeport	3:55 pm Beginning 9/16/2019: 4:05 pm	121 Emigrant St. (by the park)
Lee Vining	4:25 pm Beginning 9/16/2019: 4:41 pm	In front of Chevron
 June Lake Junction	4:35 pm Beginning 9/16/2019: 4:51 pm	Hwy 395 at CA Hwy 158 <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Mammoth Lakes	5:15 pm	<b>Stop 25 just west of Vons</b> (481 Old Mammoth Rd.)
Crowley Lake	5:30 pm	Bus shelter at Community Center; 529 S. Landing Rd.
 Tom's Place	5:35 pm	Bus shelter just west of store/café; 8180 Crowley Lake Pl. <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Bishop	6:30 pm Beginning 9/16/2019: 6:15 pm	Vons/Kmart; 1200 N. Main Street
Big Pine	6:50 pm Beginning 9/16/2019: 6:30 pm	Main Street bus shelter
 Aberdeen	7:10 pm Beginning 9/16/2019: 6:40 pm	Aberdeen Store <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Independence	7:25 pm Beginning 9/16/2019: 6:55 pm	In front of Post Office (101 S. Edwards St.)
Lone Pine	7:40 pm Beginning 9/16/2019: 7:15 pm	McDonalds (601 S. Main Street)

 Stops marked with a telephone icon require 24-hour advance notice. Please [call \(760\) 872-1901](tel:760-872-1901) to request this stop.

#### [REQUEST A RESERVATION](#)

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#### [BUS FARES](#)

#### CONTACT ESTA

P.O. Box 1357 Bishop, CA 93515  
Toll Free: 1-800-922-1930  
Phone: 760-872-1901  
Fax: 760-784-9566

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# EXHIBIT 2

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

WINTER KING  
Attorney  
King@smwlaw.com

April 14, 2020

**Via E-Mail**

Mono County Planning Commission  
Wendy Sugimura  
CD Ritter  
Post Office Box 347  
Mammoth Lakes, CA 93546  
E-Mail: [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)  
[cdritter@mono.ca.gov](mailto:cdritter@mono.ca.gov)  
[cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov)

Re: Tioga Inn Specific Plan Amendment #3 Final Subsequent  
Environmental Impact Report

Dear Members of the Planning Commission, Director Sugimura, and Secretary Ritter:

On behalf of the Mono Lake Committee (“MLC”), we have reviewed the portion of the Final Subsequent Environmental Impact Report (“FSEIR”) released to the public on February 28, 2020 for the proposed Tioga Inn Specific Plan Amendment Number Three (“Project”). Despite the changes proposed in the response to comments document, it remains our opinion that the SEIR for the proposed Project fails to comply with the requirements of the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”), and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* (“Guidelines”). In addition, nothing in the FSEIR rebuts our previous comments demonstrating the Project’s inconsistencies with the Mono County General Plan and Mono Basin Community Plan. Approving the Project as currently proposed would thus also violate state Planning and Zoning Law, Gov. Code § 65000 *et seq.*

As a preliminary matter, procedural and substantive flaws in the FSEIR make it impossible to determine what, exactly, the Planning Commission, the Board of Supervisors, and the public are being asked to review. The materials published with the FSEIR did not include the final, revised Draft Subsequent EIR (“DSEIR”), and thus did not constitute the complete FSEIR, as required by CEQA Guidelines section 15132 (“The

final EIR shall consist of: (a) The Draft EIR or a revision of the draft”). Lacking this essential document—i.e., a redlined version of the DSEIR showing the specific changes that have been made and the County’s final analysis—the Planning Commission is being asked to evaluate a document that it has not even seen. Additionally, as a result of this defect, our comments are necessarily limited to the responses to comments and descriptions of proposed changes to the DSEIR that are contained in the published materials.

Adding further confusion, the FSEIR’s introduction of alternative six as a new preferred alternative makes it unclear what the “Project” is—i.e., whether it is the Project as initially proposed in the DSEIR or the new alternative six. Under CEQA, the County must clearly identify the “Project,” so that decisionmakers and the public know what to evaluate. The FSEIR falls short of this standard.

In addition to these issues, the changes to the Project and the revisions proposed for the DSEIR are insufficient to address the flaws described in our previous comment letter dated August 21, 2019, which is attached as Exhibit A to this letter and incorporated by reference herein. For example, even with the proposed revisions to the project description, that section of the DSEIR will remain confusing and unstable, as it promises housing priority to individuals employed on the project site and those likely to volunteer with local service providers, without proposing any mechanism to ensure those promises are carried out or that the housing would be affordable to this community. Similarly, the “phasing plan,” which is proposed to ensure that development of hotel and housing are synchronized, is neither enforceable nor effective, as the applicant could clearly build all of the housing without ever building the hotel.

The analysis of and mitigation for various impacts—including aesthetics, population and growth-inducing impacts, traffic and pedestrian safety, biological resources, wildfire hazards, Vehicle Miles Traveled (“VMTs”), and greenhouse gas (“GHG”) emissions—also remain incomplete. Of particular concern to MLC, the FSEIR still fails to provide sufficient information to analyze the Project’s aesthetic impacts from public vantage points, including South Tufa. Lacking this essential information, the FSEIR also overlooks feasible mitigation, including grading and berming, that could reduce these impacts. The failure to adequately analyze or mitigate pedestrian safety and wildfire risk is especially troubling given that it could endanger current and future residents of the area, and the County is being asked to make override findings to approve the project.

Lastly, the FSEIR, like the DSEIR, continues to ignore the policies in the Mono Basin Community Plan, going so far as to claim the Project is consistent with

policies designed to maintain Lee Vining's small-town character because it does not increase the town's population above 10,000 residents. This is clearly not what the community had in mind when it worked with the County to prepare the Community Plan.

In short, approving the Project and certifying the FSEIR as-is would constitute a violation of CEQA. The County must revise the FSEIR to fix the flaws discussed herein, incorporate all feasible mitigation measures, and recirculate for public review.

**I. The project description remains unstable and confusing.**

In our previous letter, we commented that the project description was internally inconsistent because it committed to housing people employed on the project site while simultaneously (1) recognizing that housing would be provided to off-site employees, (2) failing to sequence construction to ensure that onsite jobs would be available when onsite housing was built, and (3) failing to ensure that housing would be affordable to onsite employees. Exhibit A, 5-9. The FSEIR proposed to make several cosmetic changes to attempt to address these flaws. For example, in an acknowledgement that the prior title of "workforce housing" was misleading because the Project would not be affordable to workers, the FSEIR retitles the Project "Tioga *Community* Housing." FSEIR 8 (emphasis added).<sup>1</sup> Additionally, the FSEIR contains repeated statements that Mono County will not enforce tenant eligibility requirements beyond those that are income-based. *See, e.g.*, FSEIR 157, 189, 221.

The minor cosmetic changes proposed in the FSEIR are insufficient to stabilize the project description. Even with these changes, the project description will remain confusing and unstable because it will still claim that housing priority will be given to onsite employees or those volunteering with the Lee Vining Fire Protection District ("LVFPD"), but will include no mechanism for enforcing the prioritization. For example, the FSEIR states that the project applicant has made a "voluntary commitment to give housing priority to future residents who agree to volunteer with the LVFPD." FSEIR 189. The FSEIR then continues: "Please note, however, that the priority for

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<sup>1</sup> The title of "Tioga Community Housing" is also a misnomer. If the Project will not be affordable to workers employed on the project site, it will not be affordable to members of the community experiencing housing stress, either. Without enforceable income restrictions, the proposed "Community Housing" may ultimately end up as "vacation housing".

LVFPD volunteers is not a county requirement, nor would it be enforced by Mono County in order to comply with FEHA.” *Id.*

The juxtaposition of the project applicant’s pledge and the County’s disavowal of that pledge creates heavily qualified and caveated paragraphs like the following:

[T]he fundamental project purpose is to provide housing for staff employed on [the] project site. . . . Notwithstanding the above, occupancy of project housing will be subject to state laws that may override objectives stated throughout the DSEIR, and the project will comply with applicable housing laws as a first priority. Also note that Mono County cannot require and enforce eligibility requirements beyond the income criteria set forth in FEHA. The applicant intends to prioritize housing for onsite employees and local LVFPD volunteers consistent with state and federal law.

FSEIR 157. This sort of language, with a series of about-faces, leaves the reader uncertain as to key aspects of the Project: whom the housing will serve, what requirements will be imposed, and whether those requirements or priorities will actually be implemented. A reader cannot know from such a project description whether the project applicant’s pledge to provide priority will be meaningful, or whether it is entirely illusory.

The phasing plan also makes the project description unstable, because the description of the plan and its purposes conflicts with the phasing plan’s actual effects. The FSEIR states that the phasing plan was included to address community concerns that Project housing would be built long before the jobs associated with the hotel and restaurant arrived. Thus, the FSEIR states that the phasing plan is meant “to ensure that construction of the . . . hotel and restaurant . . . are assured prior to construction of the full number of units.” FSEIR 90. But despite this assertion, *the phasing plan allows all three phases of housing to be fully built and rented before construction on the hotel or restaurant even starts.*

A closer look at the phasing plan shows that it will not ensure the desired synchronization of housing and employment. The phasing plan proposes constructing 30 units of phase 1 housing right away. FSEIR 90. These 30 units are in no way connected to the construction of the hotel or restaurant. They can be constructed as a stand-alone housing project, without the project applicant taking any further steps to increase onsite

employment. The 40 phase 2 housing units may be constructed “at the time that a building permit application is submitted to Mono County for construction of the hotel.” FSEIR 90. But submitting a building permit *application* does not actually guarantee that a hotel or restaurant will be built. The application could be incomplete or rejected, or the project applicant could submit an application and still never build the hotel. Finally, construction of the remaining 30 phase three housing units may begin when the phase 1 and 2 units are 80% occupied. Like the prior two phases, nothing links the phase three units to onsite employment opportunities. All that is required for all 100 units to be constructed and rented is (1) the submission of a building permit application for the hotel and (2) 80% of the first 70 units being rented. Nothing in the phasing plan requires the project applicant to sequence housing construction with the availability of new onsite employment opportunities.

In summary, the lack of clarity in the project description regarding whom the housing will serve and whether there will be any real means of providing priority for on-site employees or volunteers prevents the public from understanding the Project’s environmental impacts. The Project’s impacts may be substantially more severe if it is ultimately a market-rate rental housing development with no affordability guarantees, rather than a housing development that serves on-site employees. For example, the GHG emissions, VMTs, and air quality impacts of the Project could be substantially smaller if the housing is primarily occupied by people employed on-site, rather than individuals who have to commute longer distances to their places of employment. Additionally, community services impacts could be reduced if larger numbers of residents volunteer with organizations like the LVFPD. Because it is not clear whether the prioritization proposed by the project applicant will be implemented, it is impossible for the public to accurately assess these impacts. The project description must be revised and the FSEIR recirculated so that the public and decisionmakers can properly analyze the impacts of the proposed Project.

## **II. The project description violates CEQA by failing to identify a single proposed Project.**

In addition to the flaws described above, the FSEIR introduces a new significant problem that further de-stabilizes the project description: by adding alternative six as a new “preferred” alternative, the FSEIR obscures what the “Project” is. That is, with the advent of alternative six, the DSEIR and FSEIR now identify two major alternatives without clearly stating which one is “the Project.”

The California Court of Appeal recently rejected this approach as a violation of CEQA’s requirement of an accurate and stable project description. *See*

*Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287-90. Similar to the present case, *Washoe* involved preparation of an environmental review document that evaluated multiple different alternatives without identifying one as the Project. Although the alternative that was ultimately selected was evaluated in detail, the court found the document inadequate and rejected arguments that such a non-committal approach should be allowed in an EIR. The court stated:

inconsistencies in a project’s description, or (as here) the failure to identify or select any project at all, impairs the public’s right and ability to participate in the environmental review process. A description of a broad range of possible projects, rather than a preferred or actual project, presents the public with a moving target and requires a commenter to offer input on a wide range of alternatives that may not be in any way germane to the project ultimately approved.

*Washoe Meadows Community*, 17 Cal.App.5th at 288. Similarly, here, the presentation of an initially proposed project and a new preferred alternative, each with differing impacts, presents a moving target. For example, it is unclear whether the public should focus on the significant impacts related to alternative six or the impacts related to the project as initially proposed. Thus, this uncertainty and lack of clarity places an undue burden on the public to comment on the Project.

The lack of a clearly defined project also presents a problem for the Planning Commission and Board of Supervisors. The County’s decisionmakers must have a clear understanding of what the Project is before they can assess its environmental impacts and, ultimately, make a decision about whether to allow its significant environmental impacts to occur.

### **III. The FSEIR improperly fails to identify feasible mitigation for the Project’s significant and unavoidable aesthetic impacts.**

The new preferred alternative, alternative six, incorporates elements that will reduce the aesthetic impacts of the proposed housing compared to the impacts of the prior preferred alternative. But, as noted in the FSEIR, the Project’s impacts on visual resources will remain significant. FSEIR 105. When an agency concludes that a project’s impacts will be significant, the agency must consider all potentially feasible mitigation to lessen the project’s effects on the environment. Guidelines § 15126.4(a)(1) (“An EIR shall describe feasible measures which could minimize significant adverse impacts[.]”) (emphasis added); § 15126.4(a)(1)(B) (“Where several measures are available to mitigate

an impact, each should be discussed and the basis for selecting a particular measure should be identified.”).

The element of alternative six that would have the most egregious impact on aesthetics is the phase three housing—the five two-story structures located at higher elevations that would be the most visible aspect of the Project. As the FSEIR notes, while the six, one-story structures at lower elevations would be completely screened from view from the South Tufa parking lot and Navy Beach, “all of the 5 two-story upper structures would remain visible” from those locations. FSEIR 66.

As an initial matter, the FSEIR’s analysis is incomplete because it analyzes the Project’s impacts on views from the South Tufa *parking lot*, FSEIR 71, Exhibit 4-4 (“Line of Sight from South Tufa Parking Lot”), rather than from South Tufa Beach. Visitors to Mono Lake come to enjoy the pristine views from the lakeshore itself—not the views from the parking lot. To provide an adequate analysis, the FSEIR should include an analysis of the views from South Tufa Beach. Further, to make this analysis accessible to the public, the County should post story-poles on the project site, so that Mono County residents can see for themselves what the Project’s aesthetic impacts will be.

In any event, the FSEIR fails to consider feasible mitigation for the Project’s—and alternative six’s—significant aesthetic impacts. These impacts are largely attributable to the five, two-story structures associated with “phase three.”<sup>2</sup> For example, the County could require the applicant to eliminate the second story from the five, two-story structures. This would reduce their visibility and their effect on views.

The County must reconsider the mitigation measures described in the Mono Lake Committee’s August 2019 comment letter, including grading to lower the protrusion of structures and construction of a landscaped berm to block the sightline to structures from South Tufa. These measures would substantially reduce the Project’s aesthetic impacts. The FSEIR states that berm was rejected because it would not block the view of the *upper* structures from Navy Beach. FSEIR 66-67. But the berm would

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<sup>2</sup> While the FSEIR notes that these five, two-story structures may not ultimately be built, CEQA still requires the FSEIR to contain an analysis of their potential impacts. FSEIR 67 (“If housing demand is ultimately lower than projected and fewer than 100 units are constructed, the structures eliminated from construction will be drawn from the most visible group.”) *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654, 660 (CEQA requires an analysis of the whole of the project, including all of its aspects).



reduce the aesthetic impacts of the upper structures if those structures were also reduced to one story.

Finally, to mitigate the aesthetic impacts of the Project, the County should consider excluding the phase three housing from the Project altogether. If these phase three units will aggravate significant impacts to visual resources, and if they may not be necessary to meet the project objectives, the County should eliminate them. If the units become necessary in the future to meet the housing needs of onsite employees, the project applicant can propose a new project and the County can evaluate the environmental impacts of the proposed phase three housing at that time.

#### **IV. The FSEIR's comparisons to population "build-out" estimates in the General Plan are improper and obscure the Project's impacts on the environment.**

In our previous letter, we commented that the DSEIR's use of the population build-out projections in the General Plan was inappropriate. *See* Exhibit A, 18-19. In the FSEIR, the County has continued to rely on this unlawful comparison.

Rather than comparing a project's growth-inducing and population impacts to estimated future population figures contained in *plans*, an EIR must compare the project's impacts to the *existing* environment and population. For example, in *Environmental Planning and Information Council of Western El Dorado County, Inc. v. County of El Dorado* (1982) 131 Cal.App.3d 350, 353, 355 [*"EPIC"*], the court rejected EIRs for a series of general plan amendments that compared the amendments' impacts to the existing general plan rather than to the existing environment. In the *EPIC* case, the agency's EIRs compared affected areas' "population holding capacit[ies]"—i.e., the potential populations resulting from a projected "buildout . . . if maximum zoning classification is realized"—under the existing general plan to the smaller capacities under the new general plan amendments. *Id.* at 357. For example, one of the EIRs noted that population capacity would decrease from 70,400 under the general plan to 5,800 under the general plan amendment, and thus concluded that there would be no environmental impacts. *Id.*

The *EPIC* court firmly rejected this approach, calling the comparisons of the general plan amendments to the general plan "illusory" in light of the actual environmental conditions. *Id.* at 358-59. Although the amended population capacities were smaller than the existing general plan capacities, those capacities were still substantially higher than the areas' *actual* populations. *Id.* The court concluded that the comparisons to the general plan population projections were improper: "The comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts and

subvert full consideration of the actual environmental impacts which would result.” *Id.* at 359.

The FSEIR takes exactly the same improper approach taken by the agency in *EPIC*. Rather than comparing the Project’s growth-inducing and population impacts to existing populations, the FSEIR compares the Project to the population build-out estimates in the Mono County General Plan. *See* FSEIR 93 (“[T]he project would also be well within General Plan growth forecasts for this area, representing approximately 12.1% of the total adopted population increases that can be expected in Mono Basin through buildout.”). The County notes that these build-out populations represent “the density permitted by existing land use standards.” FSEIR 164. However, an agency may not compare a project to theoretical maximum development that could be realized under land use plans. *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 709-10 (“agencies should compare project impacts against the *existing environment*, rather than some hypothetical, impacted future environment that might occur without the project under existing general plan and/or zoning designations.”). The County’s analysis is thus improper.

The FSEIR’s own analysis makes clear why the County’s comparison of the Project to projected build-out populations is inappropriate. The FSEIR states that the population growth from the Project will likely fall within the range of buildout scenarios discussed in the general plan “with or without consideration of environmental, regulatory, and infrastructure constraints.” FSEIR 93. But that is precisely why a comparison to the build-out scenarios is inappropriate. Those scenarios do *not* take into account environmental, regulatory, and infrastructure constraints that could prevent each parcel analyzed in the scenarios from being developed up to its theoretical maximum (Mono County General Plan EIR, 4.12-6 to -7). For example, a certain parcel could have a land use designation allowing five units; but, in reality, the presence of an Endangered Species Habitat Area could limit actual development potential to only two units. The fact that the buildout populations do not take into account environmental constraints makes them singularly inappropriate for use in an EIR, a document that is intended to compare the Project to *actual* conditions, not theoretical ones.

Further, the Project represents growth that was *not* anticipated in the General Plan, even in the discussion of theoretical maximum buildout. That discussion focuses on the maximum number of units that are theoretically allowed under *current* land use designations. Its analysis goes parcel by parcel and determines the number of units permitted at each location. Mono County General Plan Land Use Element, II-189. The Project seeks to *increase* the number of units that can be built on the project site above the number the General Plan assumed could be permitted at this location. Thus, the

Project would add additional units that are not included in even the maximum buildout projections. Because the Project's added units are not included in the buildout studied in the General Plan, the FSEIR cannot rely on the analysis of population in that document and the General Plan EIR for its conclusions regarding planned and unplanned growth.

Finally, where the FSEIR does compare projected growth from the proposed Project to current populations, its analysis is inadequate. For example, the FSEIR notes that the Project may not quadruple Lee Vining's population if one uses the 2010 census estimate of 222 residents rather than the 2016 estimate of 98, and that population impacts would thus be relatively insignificant. FSEIR 93-94. But adding 300 people to a town of 222 residents more than doubles the population, which would indisputably be a significant change.

The Project could further induce additional growth that the FSEIR and DSEIR do not sufficiently address, as the new residents may attract new businesses and create a spiral of growth in the Mono Basin. Notably, the DSEIR's analysis of growth-inducing impacts assumes that the Project "will have enough units to house essentially all of the anticipated future employees" of the hotel and restaurant. DSEIR 8-1. This assumption is contradicted by the FSEIR's acknowledgement that the Project will have capacity to house "roughly two-thirds" of onsite employees. FSEIR 92. The DSEIR's assumption is further undermined by the factors discussed in section I, above, showing that, (1) *if* the hotel and restaurant are constructed, there is no guarantee that the housing will be actually available and affordable to onsite employees; and (2) there is no guarantee that the hotel and restaurant will be constructed at all, meaning that there could be hundreds of new residents living on the project site who will need to find employment elsewhere. Both of these factors implicate significant new induced growth from the project that is not analyzed by the FSEIR or DSEIR. These growth-inducing impacts cannot be waived away by relying on flawed assumptions or asserting that growth from the Project is covered by the General Plan.

**V. The FSEIR improperly dismisses arguments that the Project is inconsistent with the Mono Basin Community Plan.**

The FSEIR fails to present any support for its conclusion that the Project is consistent with the Mono Basin Community Plan ("Community Plan"). For example, commenters expressed concern that the Project is inconsistent with the Community Plan's goal to provide for orderly growth in Lee Vining while retaining its small-town character. *See* Community Plan 17. The FSEIR responds to this concern by stating that a small town is generally understood to be a town with "a population of less than 10,000 residents . . . with a limited range of services," and that, even with the Project, Lee

Vining “will continue to embody these general ‘small town’ characteristics.” FSEIR 109. By suggesting this definition of a small town, the FSEIR makes a mockery of the Community Plan’s goal. Applying the test established by the FSEIR, the Project could increase the population of Lee Vining *thirty or forty times over* and it would still be consistent with Lee Vining’s small-town character.<sup>3</sup>

The FSEIR also brushes aside concerns that the Project is not consistent with the Community Plan—including in particular Goal 1 (“Maintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth, ensuring high-quality aesthetics, and providing for community development needs to enhance the quality of life for residents”), by relying on its faulty arguments that the Project is consistent with the growth projections in the General Plan. The FSEIR states: “Because Mono County has fully integrated its Zoning Code into the General Plan Land Use designations, the General Plan Land Use element is fully consistent with the Mono Basin Community Plan.” FSEIR 110. The FSEIR then explains that the General Plan land use designations allow for a build-out population of 2,574 residents, of which the project would represent 12.4%. FSEIR 110. But the Community Plan contains specific policies that are not in the General Plan. While these policies are consistent with the General Plan, that does not mean the Project is consistent with these policies. For example, a General Plan could provide generally that residential development is permissible in a particular area. The Community Plan for that area could further provide that this residential development must be limited to one story. A project comprised of three-story townhomes would be consistent with the General Plan but not the Community Plan. In this instance, the Community Plan included a policy specifically directing the County to maintain Lee Vining’s small-town character and the spectacular aesthetic value of the Mono Basin. That policy is a specific refinement of the General Plan policies for the County, and needs to be considered in its own right, rather than being ignored.

Finally, the FSEIR asserts that its phasing plan will promote orderly growth on the project site. But as noted above in section I, the phasing plan bears no relationship to conditions beyond the project site or even to the actual construction of the hotel and restaurant. A much better approach would be to eliminate phase three housing entirely from this specific plan amendment. If the County takes this approach, the applicant could

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<sup>3</sup> Indeed, every single unincorporated community in Mono County under the County’s jurisdiction has considerably fewer than 10,000 residents, and the entire County has only approximately 14,000 residents. Given this context, it is wholly unreasonable to interpret the Community Plan as simply prohibiting growth beyond 10,000 residents.

always come back in the future with evidence that such additional housing is necessary and that local services—including schools, fire and police protection, and other emergency services—and infrastructure remain able to accommodate the anticipated growth from the additional housing.

The Community Plan was the product of a collaborative effort that incorporated the goals and concerns of Mono Basin community members over the course of approximately two years. The FSEIR essentially ignores it. To comply with State Planning and Zoning Law, and to respect this community process, the County must provide a more robust consideration of the Community Plan.

**VI. The FSEIR fails to incorporate feasible mitigation for the significant and unavoidable traffic and pedestrian safety impacts.**

The FSEIR concludes that pedestrian safety impacts will be significant because there is no safe pedestrian path linking the project site and the town of Lee Vining. *See* FSEIR 84. The FSEIR then asserts that these impacts are unavoidable because Caltrans has not committed to providing any such pedestrian path. *Id.* at 83-84.

In doing so, the FSEIR ignores additional, feasible mitigation measures. The best solution would be to provide a permanent, safe, walkable, and bike-able trail from the project site to Lee Vining. Although the FSEIR suggests that this option was deemed infeasible due to resistance from SCE, FSEIR 84, if the County determines that such a trail would best serve the public, the project applicant could reimburse the County for the cost of acquiring the easement by eminent domain. Additionally, although it would be less desirable than a trail, the County could require the project applicant to provide a consistent, regularly scheduled shuttle service between the project site and the town of Lee Vining for a minimum number of years. A shuttle service linking the project site and the town could serve residents who either cannot drive—including school children and teenagers—or would prefer an alternative to driving to and parking in Lee Vining. By providing these residents with a safe alternative to walking or biking along the highway, a shuttle service could reduce impacts related to pedestrian safety. However, any such mitigation measure would require clear, specific, ongoing rules and monitoring to ensure it is effective (e.g., full-time, qualified drivers, ADA compliant equipment, established routes, minimum drop-off and pick-up times).

**VII. The FSEIR overlooks the Project's potential to significantly impact the Sierra Nevada Red Fox.**

Appendix G to the CEQA Guidelines provides that a project would have a significant impact if it would have a substantial adverse effect, either directly or through habitat modifications, on species identified as special status species by the California Department of Fish and Wildlife or the US Fish and Wildlife Service. Here, the FSEIR fails to analyze whether the project will have any significant impacts on the Sierra Nevada Red Fox.

The Sierra Nevada Red Fox is on the verge of extinction. Some estimates suggest that there may be as few as 20 individual members of the species left in existence. *See Exhibit B, Center for Biological Diversity, Saving the Sierra Nevada Red Fox.* The California Department of Fish and Wildlife lists the Sierra Nevada Red Fox as a threatened species. *See Exhibit C, State and Federally Listed Endangered and Threatened Animals of California, August 7, 2019, at 14.* Additionally, in January of this year, the US Fish and Wildlife Service proposed to list the Sierra Nevada Red Fox as an endangered species under the federal Endangered Species Act. *See Exhibit D, US Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants; Endangered Status for the Sierra Nevada Distinct Population Segment of the Sierra Nevada Red Fox, 85 Fed. Reg. 862, Jan. 8, 2020.*

The Sierra Nevada Red Fox has been sighted recently in portions of its historic range that it was thought to have abandoned. A Sierra Nevada Red Fox was photographed in Yosemite National Park for the first time in almost one hundred years in 2014-2015. *See Exhibit E, US National Park Service, Sierra Nevada Red Fox in Yosemite National Park.* And a Sierra Nevada Red Fox may have been seen at the southern end of Lee Vining, approximately one mile away from the project site, in October 2018. *See Exhibit F, Mono Lake Committee, A glimpse into Lee Vining's nightlife: Foxes, raccoons, and more!, Oct. 21, 2018.* Further, the project site could constitute habitat for the Sierra Nevada Red Fox: the foxes are found above 1,500 m in elevation, and are most commonly found above 2,100 m. *See Exhibit G, John D. Perrine et al., Sierra Nevada Red Fox (Vulpes vulpes nicator): A Conservation Assessment, August 2010 at 16.* The town of Lee Vining, located downslope of the project site, has an elevation of 2,067 m. *See Exhibit H, USGS, Feature Detail Report for: Lee Vining.*

The proposed Project could have a substantial adverse effect on the Sierra Nevada Red Fox. Potential threats to the species include “development and recreation.” *Exhibit G, Perrine et al., at 5.* Threats related to development include the introduction of animals, including domestic pets, non-native red foxes, or other animals that may be

attracted to development, that may threaten the Sierra Nevada Red Fox or compete with them. Exhibit G, Perrine et al., at 36. The foxes are also threatened by disease transmission and automobile collisions associated with development. And foxes may become dependent on humans and may be threatened if they develop begging behaviors, which commonly occurs around campsites, ski areas, and picnic areas. *Id.* Each of these threats may be associated with the proposed Project.

The FSEIR failed to analyze whether the Project would have any impacts on the Sierra Nevada Red Fox. In addition to including such an analysis, the FSEIR must consider mitigation to reduce impacts to this species, including prohibiting tenants from owning pets onsite, or requiring the project applicant to construct a fenced enclosure for pets that is sufficient to protect Sierra Nevada Red Fox. Further, the County should consider whether additional mitigation is available that could specifically protect the Sierra Nevada Red Fox.

**VIII. The FSEIR does not analyze cumulative impacts to wildfire evacuation and the proposed secondary evacuation route is inadequate.**

While the FSEIR adds a secondary evacuation route from the project site to State Route 120, FSEIR 88, 225, other concerns related to wildfire evacuation hazards remain outstanding, and the proposed secondary evacuation route itself is flawed. For example, the FSEIR does not address the cumulative impacts of the proposed Project, with its three hundred residents, along with the hotel and restaurant patrons, on wildfire evacuation. The FSEIR does not analyze whether State Route 120 or Highway 395—the only options available for getting people clear of the area—would be able to manage the increased traffic from project residents and guests associated with the reasonably foreseeable hotel and restaurant projects during a wildfire evacuation, while still allowing emergency personnel to access the project site. This analysis must be included in the FSEIR, and mitigation identified to reduce such impacts to a level of insignificance.

Further, the proposed secondary evacuation route would not reduce wildfire impacts. The proposed secondary route would lead residents, employees, and visitors directly into the most likely path of a fire (i.e., up-canyon). *See* Exhibit 2 to our August 2019 comment letter, attached hereto as Exhibit A (describing the 2000 Lee Vining Canyon fire). Ultimately, if more effective evacuation routes are not available, the solution should not be to rely on inferior routes, like this one, that do not meaningfully reduce the danger. Instead, the County should reduce the density of the Project and reduce the number of people it could be putting in harm's way.

**IX. The FSEIR’s analysis of VMTs remains uniquely uninformative and confusing.**

In our previous letter, we commented that the DSEIR’s discussion of vehicles miles traveled (“VMTs”), the additional motor vehicle mileage that a project would generate, was devoid of meaningful analysis. Specifically, the DSEIR: lacked a baseline for its VMT analysis, failed to provide context for what the reported VMT figures represented in terms of their environmental impacts, and failed to describe the assumptions that went into the VMT figures. *See* Exhibit A, 15-17. The FSEIR did not fix any of these flaws.

Instead of offering clarification, the FSEIR’s discussion of VMTs only further confuses the issue. First, the FSEIR notes that use of VMTs as a threshold of significance for traffic impacts isn’t required until July 1, 2020—a date that is rapidly approaching—and that Mono County and Caltrans do not yet have thresholds of significance for VMTs. But agencies may develop and use thresholds of significance on a case-by-case basis. CEQA Guidelines §§ 15064.7(b); 15064(b)(2). And agencies have a responsibility under CEQA to inform the public of significant environmental impacts. Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . .”). Confusing the public with figures that lack context and meaningful analysis does not fulfill this responsibility. Moreover, by relying on the presence of an ESTA transit stop to conclude that the Project will not have a significant impact on VMTs pursuant to CEQA Guidelines section 15064.3(b)(1), DSEIR at 5.9-10, the County “elect[ed] to be governed by the provisions of” section 15064.3. The County cannot have it both ways. It is not entitled to the presumption that VMT-related impacts will be less than significant under Section 15064.3(b)(1)<sup>4</sup> while claiming that the requirement to use VMT-related thresholds of significance for traffic impacts does not apply until July 1, 2020.

Second, the FSEIR, in discussing the VMT figures, states that the numbers are “based on data developed in the project air quality analysis,” which was based on inputs into the software commonly used for those analyses. FSEIR 215, 227. This explanation does not provide any actual insight into the VMT analysis. It does not explain what the VMT figures mean or how they relate to the Project’s effects on the environment.

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<sup>4</sup> This presumption does not apply in any case for the reasons explained in our previous letter. Exhibit A, 16.



Third, while the FSEIR includes an updated VMT analysis in its Updated Traffic Impact Analysis, this analysis, too, only further confuses the issue. For example, the annual VMT from the proposed Project has been updated from 872,133 miles in the DSEIR (DSEIR Appendix L, Page 8-5) to 1,189,842 miles in the FSEIR (FSEIR Appendix D, Page 8-5). Similarly, cumulative VMTs went from 3,277,423 miles to 3,651,802 miles. DSEIR Appendix L, Page 8-5; FSEIR Appendix D, Page 8-5. The estimated VMTs changed by *four orders of magnitude*. Yet there is no narrative explanation of why this massive change occurred or what these numbers—either set—represent.

The County must revise and recirculate an FSEIR that includes an explanation of what these VMT figures represent and whether—and why—they indicate that the Project will or will not have a significant impact on the environment.

The County must also consider feasible mitigation measures that could reduce the severity of impacts related to VMTs. As noted above, one way to reduce VMTs from the Project would be to ensure that the Project housing is actually available to people employed on the project site—e.g., if hotel and restaurant employees are housed on site, they would not need to get into their vehicles to commute. Thus, one potential mitigation measure for VMTs is to improve the phasing plan to actually link housing to construction milestones associated with the hotel and restaurant. For example, the phasing plan could state that phase 1 housing could not be occupied until building permits for the hotel and restaurant are *granted*, or until foundations for those structures are completed, and that the occupancy permits for phase 1 housing would be revoked if the hotel and restaurant is not completed. Phase 2 housing construction could be linked to the *completion* of hotel and restaurant construction or the issuance of permits and/or licenses allowing operations to commence at those businesses.

Another potential mitigation measure to help ensure that the proposed housing is more likely to serve onsite employees and not exacerbate VMTs is to add an occupancy requirement. For example, in addition to the prohibition on short-term rentals, *see* FSEIR 92, the Project could require that each unit be occupied by the tenant for at least six months out of every year. This would help increase the attractiveness of these units to individuals employed onsite.

**X. The FSEIR's analysis of cumulative GHG emissions impacts is flawed.**

The FSEIR supplies an analysis of cumulative GHG impacts that was entirely missing from the DSEIR. FSEIR 228. The analysis concludes that cumulative GHG emissions will be less than significant because the Project's cumulative

emissions—2,935.2 MT of CO<sub>2</sub>e—are slightly less than the threshold of significance of 3,000 MT of CO<sub>2</sub>e. FSEIR 228. This analysis, however, is defective.

First, the GHG analysis relies on several assumptions regarding Project features that are not supported by the Project itself. For example, the GHG analysis assumes that the Project will not include wood-burning fireplaces. FSEIR 228; FSEIR Appendix E, Page 20 of 26. But the Project *permits* wood-burning fireplaces. DSEIR 3-6 (“Wood-burning appliances (fireplaces, wood stoves, etc.) will comply with current requirements and standards of the County for new construction.”). Similarly, the GHG analysis assumes that the Project will involve only low VOC paint and cleaning supplies. FSEIR Appendix E, Page 20 of 26.<sup>5</sup> But there is no such requirement in the Specific Plan. Both of these assumptions are therefore unfounded, and the Project’s cumulative GHG emissions estimates are artificially low.

Second, the cumulative GHG analysis appears to include some inaccurate inputs, and it is not clear whether other important inputs are reliable. For example, the construction estimates in the new GHG analysis do not appear to account for the additional grading work required under alternative six, the new preferred alternative. Although the FSEIR notes that alternative six will include “additional grading to lower the base elevation” of the housing site, FSEIR 124, the GHG analyses in the DSEIR and the FSEIR related to construction emissions at the housing site appear to include the same inputs. Both analyses account for 20 days for grading with the same six pieces of equipment, despite the additional work required under the new preferred alternative. *Compare* FSEIR Appendix E, pages 2 of 23 and 6 of 23, *with* DSEIR Appendix M, page 3. Further, it is not clear what assumptions went into the VMT analysis and whether these assumptions are appropriate. The FSEIR explains only that the air quality and GHG VMT analysis used “default data” provided by the Great Basin Unified Air Pollution Control District. FSEIR 215. It does not explain whether this default data accurately reflects the unique context of this Project.

Finally, the cumulative GHG analysis—and the analysis of other cumulative impacts in the DSEIR and FSEIR—is flawed because it fails to consider the reasonably foreseeable expansion of the hotel and restaurant beyond the sizes approved in 1993. For example, the initial scoping documents for the Specific Plan Amendment #3 included a three-story hotel, rather than the two stories approved in 1993, and a restaurant with 100 more seats than the restaurant approved in 1993. DSEIR 1-5. The October 21, 2016 Notice of Preparation (“NOP”) for the SEIR also noted that the project applicant proposed to add a fitness center, laundry, car rentals, and added parking to the hotel.

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<sup>5</sup> While VOCs are not themselves GHGs, they contribute to the formation of GHGs.

Given the changes in economic conditions since 1993, a larger hotel—complete with the additional amenities described in the NOP—and restaurant are likely needed to make those project components pencil out.<sup>6</sup> Thus, expanded versions of these project elements should be considered reasonably foreseeable future projects and should be included in the GHG analysis, rather than allowing the project applicant to piecemeal the environmental analysis by deferring a study of the expanded projects' impacts to a later date.

In light of the defects noted above, the GHG analysis fails to inform the public about the impacts of the Project, both independently and cumulatively with other anticipated projects. The defects could result in the FSEIR incorrectly concluding that GHG impacts are less than significant, when in reality the Project's cumulative emissions may exceed applicable thresholds of significance. The FSEIR must revise the GHG analysis to include appropriate and accurate inputs so that the public can accurately determine the Project's impacts, and appropriate mitigation can be adopted, if necessary.

#### **XI. The FSEIR's analysis of alternatives is flawed.**

The consideration of feasible alternatives is at the “core” of environmental review under CEQA. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *see* Pub. Res. Code § 21001(g) (declaring the policy of the state to “consider alternatives to proposed actions affecting the environment”). “It is the policy of the state that public agencies should not approve projects as proposed if there are *feasible alternatives or feasible mitigation measures available* which would substantially lessen the significant environmental effects of such projects.” *Citizens of Goleta Valley*, 52 Cal.3d at 565, quoting Pub. Res. Code § 21002.

While the County is required to identify a single proposed Project in order to comply with CEQA's requirement for a “finite” project description, *see* section II above, this requirement does not decrease the importance of identifying and considering feasible alternatives which would decrease the Project's significant environmental impacts.

The County must reconsider its flawed analysis of the Reduced Development Alternative. As we observed in our earlier letter, the DSEIR's conclusion

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<sup>6</sup> According to MLC staff, who were in attendance at the July 30, 2019 public workshop on the DSEIR, the project applicant verbally stated that he would likely sell the rights to develop the hotel and restaurant to a third party. A third-party developer would likely propose an additional specific plan amendment in the future to expand the hotel and restaurant uses in order to make them economically viable.

that the Reduced Development Alternative reduces the amount of land designated as Open Space Preserve even though it includes a smaller number of units is counterintuitive. *See* Exhibit A, 23-24. Although the FSEIR attempts to explain this conclusion, its explanation makes clear that the decreased amount of land designated Open Space Preserve is not related to any inherent properties of the Reduced Development Alternative; instead, it is a product of policy decisions made by the County and/or the project applicant. FSEIR 234. The County should reconsider a version of the Reduced Development Alternative that is not so artificially constrained—i.e., one that includes the maximum feasible amount of land designated as Open Space Preserve.

Further, the County must reconsider its flawed analysis of how the project and the various alternatives would meet the project’s objectives. The Project, as initially described (and also as envisioned in alternative six), will not achieve the objective to provide sufficient housing for the majority of people employed onsite. *See* FSEIR 125. This is because (1) there remains no guarantee that rents will be affordable to onsite employees; (2) the Project will increase demand for housing and exacerbate, rather than ameliorate, housing problems; and (3) as explained in section I, above, the phasing plan will not ensure that onsite sources of employment are synchronized with housing construction.

With the exception of the requirement that the project comply with Mono County’s Housing Mitigation Ordinance (“HMO”), which will affect only a small number of units, *see* FSEIR 92-93, the Project contains no enforceable requirement to ensure that proposed housing will be affordable to onsite employees. Instead, the FSEIR contains only an unenforceable promise: “the owner plans to establish rents for the proposed housing to accommodate what the onsite workers can afford to pay.” FSEIR 236. This affordability commitment is not supported by any specific requirements and is thus illusory.

Additionally, the proposed Project, when fully developed, will actually exacerbate housing problems by creating more housing demand than supply. The hotel and restaurant will bring 150 new positions. FSEIR 90. But at most 100 housing units will be built, with capacity to house roughly two-thirds of anticipated new onsite employees. *Id.* Thus, one-third of the anticipated employees will have to find housing elsewhere, adding 50 people and their families to an already stressed housing market. *See* FSEIR 92 (stating that 44% of Mono Basin residents have family or friends living with them due to a lack of housing in the area). Adding fifty unhoused employees to a town the size of Lee Vining will exacerbate housing stress and could increase area rents—and fifty is the smallest number of employees who will need to find housing off-site. As noted in section I, above, there is no guarantee that the promised “prioritization” for onsite

employees will materialize, and so the number of employees added to the local housing market could be considerably greater, creating further upward pressure on rents. Higher rents and increased housing stress could adversely affect other small businesses that are struggling to find housing for their own employees. Finally, these affordability issues could have a particularly significant impact on individuals employed on the project site, whom, as the FSEIR notes, may be only seasonally employed. FSEIR 91.

As a result of these factors and the failure of the phasing plan as currently designed to ensure that housing construction is synchronized with hotel and restaurant employment opportunities, the project as initially proposed and as envisioned in alternative six will not meet the objective to house a majority of onsite employees. In light of this conclusion, the County should reconsider its scoring of the alternatives. In particular, it should give additional consideration to the Reduced Development Alternative, which may appear in a better light compared to both the project as initially proposed and alternative six given the flaws in the alternatives analysis described here.

## **XII. The Findings of Fact and Statement of Overriding Considerations are not supported by substantial evidence.**

If a project would have significant impacts on the environment, CEQA prohibits approval of the project unless the agency makes a series of findings. The agency must either impose mitigation measures to reduce the project's impacts to a less than significant level or find that any such mitigation is infeasible. Similarly, the agency must find that environmentally superior alternatives that meet the project's objectives are also infeasible. Pub. Resources Code § 21081(a)(3); CEQA Guidelines § 15091(a)(3); *see also Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal. App.3d 433. Finally, if the project's significant environmental impacts may not be mitigated, the agency must make a statement of overriding considerations finding "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." Pub. Res. Code § 21081. Here, the County's proposed CEQA Findings of Fact and Statement of Overriding Considerations, Exhibit A to Planning Commission Resolution R20-01 ["Findings"], purport to make all of these determinations but are inadequate under CEQA.

The Findings are not supported by substantial evidence and do not supply the logical step between the Findings and the facts in the record, as required by state law. Any benefits of the Project do not outweigh the severe environmental impacts associated with the Project, including, but not limited to, damage to the unique and pristine visual resources of the Mono Basin, threats to pedestrian safety, and harm to biological resources including mule deer. FSEIR 103.

The County released these Findings just days before the Planning Commission's meeting on the Project, depriving the public of a real opportunity to review them. We discuss here the most glaring inadequacies and reserve our right to raise any failings of the Findings, whether or not they are discussed in this letter, in the future.

**A. The Statement of Overriding Considerations Lacks Evidentiary Support.**

As an initial matter, it is not clear from the statement of overriding considerations which project the Board of Supervisors would be adopting and the Planning Commission would be evaluating. The statement refers to the project "as proposed and including Alternative 6." Findings, 21. But that refers to two separate possible versions of the project with different impacts. The Findings *must* clearly identify the Project that is being approved. *Cf. Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277.

Moreover, as described above, the Board of Supervisors must find that the Project's advantages will outweigh its documented environmental harms. To this end, the Findings offer a series of claims about the benefits that will flow from the Project. These Findings are not sufficient to support the approval of the Project because they are not supported by substantial evidence in the record. Guidelines §15093(b); *Sierra Club v. Contra Costa County* (1992) 10 Cal. App. 4th 1212. Clear evidence demonstrates that many of the benefits cited in the proposed Statement of Overriding Considerations are unlikely to materialize.

For example, the Findings conclude that the Project will "respond not only to the housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but could also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole." Findings, 21. As described in section I above, there is no substantial evidence to support the claim that the project will meet its objective to house a majority of employees of the hotel and restaurant because (1) there are no enforceable guarantees that the housing will be available or affordable to onsite employees, and (2) the phasing plan is inadequate to guarantee that the hotel and restaurant will ever be constructed. Moreover, the project will not alleviate housing pressure in the Mono Basin. If the hotel and restaurant *are* constructed, the proposed housing will not even serve all employees of those uses.

In another example, the Findings state that the Project will have social benefits, including a secondary emergency access route to State Route 120, a right-of-way connecting to a potential future trail, and a phasing plan that supposedly links

housing construction to the arrival of employment opportunities on-site. Findings, 23. Each of these benefits is illusory. For instance, the phasing plan includes no guarantees that housing construction will be synchronized with hotel and restaurant construction. *See* section I, above. There is currently no feasible way to build a pedestrian link to Lee Vining, FSEIR 103-04, so the reserved right-of-way leads to nowhere. And the secondary emergency access route is needed to reduce a hazard that would be created by the Project itself; it is not an affirmative social benefit of the Project.

The statement further tries to cast the Project as important for conservation and the preservation of open space. For example, it states that the Project will increase protected open space and protect area wildlife (e.g., by adding restrictions on unleashed pets). But there are other ways to preserve open space that do not depend on a Project that would allow the development of land that is *currently* undeveloped. Further, the purported benefits to wildlife of the requirement that residents' pets be on leashes are not as significant as the benefits to wildlife of not having residents with pets on the project site in the first place. Claiming these measures as "benefits" does not make sense.

**B. There is no support for the Findings rejecting the alternatives studied in the DSEIR and FSEIR.**

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731; *see also* CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. An alternative need not meet every Project objective or be the least costly in order to be feasible. *See* CEQA Guidelines § 15126.6(b).

Without any specific explanation as to each alternative, the Findings simply conclude that the various alternatives—possibly with the exception of the Project as initially designed and the new alternative six—are either infeasible or, for the most part, would not diminish or avoid the Project's significant environmental impacts. This is insufficient. The Findings—as to each alternative—must be supported by substantial evidence, not merely conclusory statements.

Additionally, for the reasons we explained in our August 2019 letter to the Board of Supervisors and in section XI, above, the County lacks the evidentiary basis to reject the Reduced Development Alternative. Because the Reduced Development Alternative would meet most of the proposed Project objectives and because it is

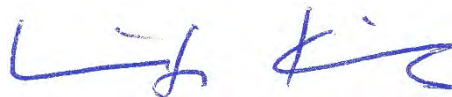
environmentally superior to the proposed Project, the Board is precluded from approving the Project under CEQA.

### **XIII. Conclusion**

For all of the foregoing reasons, we respectfully submit that the County cannot lawfully certify the FSEIR or approve the Project in its current form. The FSEIR is flawed, fails to inform the public of the Project's impacts, and fails to adopt feasible mitigation that could reduce the severity of those impacts. The County must revise the FSEIR to include an adequate discussion of impacts, alternatives, and all feasible mitigation measures. Given that 27 years have already passed between the 1993 Specific Plan approval and the present, and there are no signs of imminent action to build the hotel or restaurant, the County should take the necessary time to revise its environmental analysis and do it right.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

cc: Michael Draper, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)



# EXHIBIT A

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

AMY J. BRICKER  
Attorney  
Bricker@smwlaw.com

August 21, 2019

**Via E-Mail and FedEx**

Michael Draper  
Mono County Community Development  
Department  
P.O. Box 347  
Mammoth Lakes, CA 93546  
E-Mail: mdraper@mono.ca.gov

Re: Subsequent Environmental Impact Report and Specific Plan  
Amendment for the Tioga Inn Project

Dear Mr. Draper:

On behalf of the Mono Lake Committee (“MLC”), we have reviewed the Subsequent Environmental Impact Report (“SEIR”) prepared in connection with the proposed Tioga Inn Specific Plan Amendment Number Three (“Project”). We submit this letter to express our legal opinion that the SEIR for the proposed Project, as currently drafted, fails to comply with the requirements of the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* (“CEQA”), and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* (“Guidelines”). In addition, the Project conflicts with the Mono County General Plan and Mono Basin Community Plan in violation of state Planning and Zoning Law, Gov. Code § 65000 *et seq.*

In light of the County’s decision to decline MLC’s request for a 30-day extension of the comment period, these comments are necessarily constrained. MLC reserves the right to submit more detailed comments prior to the County’s consideration of and final decision on the Project and SEIR.

The County cannot approve the Project in its current form because the SEIR is fatally flawed in a variety of ways. First, the County has violated CEQA in electing to proceed via an SEIR for a *portion* of the Project rather than starting again with a new EIR for the *whole* Project. The County must proceed via a new EIR because

conditions—both as to the Project itself and as to the surrounding community—have changed so significantly since 1993 that the 1993 FEIR is no longer relevant.

Second, the SEIR itself is seriously flawed. For example, the SEIR’s project description contains various inconsistencies and gaps related to the particulars of the workforce housing village. The description’s failure to clearly convey who the housing will serve and how the Project will impose eligibility and affordability criteria make it impossible to adequately assess the Project’s environmental effects.

Further, the SEIR’s analysis of and mitigation for environmental impacts is inadequate. Specifically, the SEIR fails to adequately analyze and mitigate: (1) adverse impacts to visual resources; (2) the Project’s impacts related to wildfire evacuations and fire protection services; (3) adverse impacts related to biological resources; (4) adverse impacts related to vehicle miles traveled; (5) cumulative impacts related to greenhouse gas emissions; (6) population and housing impacts; and (7) adverse land use impacts related to conflicts with local land use plans, in violation of both CEQA and the State Planning and Zoning Law. Finally, the SEIR does not include an adequate analysis of alternatives to the Project.

Given these flaws, there can be no meaningful public review of the Project. The County must begin again with a new EIR for the whole Project. The new EIR (or a revised SEIR, if the County persists in following that unlawful course) must contain an adequate and legally compliant analysis in order to provide an adequate understanding of the environmental issues at stake.

**I. CEQA requires that the County prepare a new EIR for the whole Project rather than an SEIR for the workforce housing village.**

CEQA requires agencies to evaluate the environmental impacts of Projects as a whole. It is a violation of CEQA to divide a Project into several smaller pieces and analyze their environmental impacts separately. *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346 (“[E]nvironmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.”).

Moreover, although Public Resources Code section 21166 requires an agency to proceed via a subsequent EIR when there are substantial changes in a project that will require major revisions to an EIR, that section does not apply when the Project and surrounding circumstances have changed so drastically that the prior environmental

document is no longer relevant to the decision-making process. *Friends of College of San Mateo Gardens v. San Mateo Community College Dist.* (2016) 1 Cal.5th 937, 951. Under such circumstances, “it is only logical that the agency start from the beginning.” *Id.*

The proposed Project and surrounding conditions have changed so dramatically since the 1993 FEIR was approved well over 20 years ago that that document is no longer relevant to the decision-making process. The County must therefore start again with a new EIR for the whole Project, including the workforce housing village, new gas island, hotel, and restaurant.

The changes to the Project itself since 1993 are so vast that they are a change in kind rather than a change in scale. In particular, the ten incidental residential housing units proposed in 1993 have transformed into a 150-bedroom workforce housing village that would dwarf the existing population of neighboring Lee Vining, tripling or quadrupling the size of that community in one stroke.

Conditions in the surrounding community have also changed so significantly that the 1993 analysis is no longer relevant. To name a few examples:

- The onsite deli now attracts up to 3,000 people per day to the Project site during peak periods. SEIR 4-11. These visitors were not envisioned in the 1993 FEIR, which did not contemplate a popular deli as part of the convenience store.
- In 1993, Mono Lake had not yet been protected from its then-threatened status due to excessive water diversions. In a 1994 decision, the State Water Resources Control Board protected the Lake from ecological collapse, leading to an increase in lake levels of 9 feet over the next 25 years and allowing the Lake to become a major tourist destination. Thus, the 1993 FEIR considered the visual and aesthetic impacts of the hotel and restaurant in an entirely different context from the one that exists at present. Today, visual impacts must be considered in the context of Mono Lake as a major, pristine scenic resource and attraction.
- The Mono Basin has experienced a large number of significant wildfires since 1993. Before that time, large wildfires were less common, as was the case in much of California. The State as a whole has experienced some of the most devastating wildfires in its

history in the last several years. As a result, the context for the wildfire risk analysis has completely changed.

- Finally, in 1993, there was no Mono Basin Community Plan (“Community Plan”). That document, developed in 2012 and incorporated into the Mono County General Plan, describes the needs and aspirations of the Mono Basin community to better guide decision-makers in evaluating future land use decisions. Community Plan 1. The 1993 FEIR does not account for this significant statement of the community’s own goals and values.

Completing a new EIR for the Project as a whole would allow the County to understand the full range of the Project’s environmental impacts and thus enable it to consider a more complete range of alternatives. For example, one alternative to be considered is siting all of the contemplated uses within the original development footprint approved in 1993. This feat could be accomplished without compromising Project objectives by relocating hotel parking underground to make room for additional housing in its place. In addition to achieving Project objectives, this alternative would reduce environmental impacts—e.g., by relocating workforce housing off of the bluff, thereby lessening visual impacts. This alternative, and others, are discussed in greater detail in Section II.C of this letter, below.

In sum, because the 1993 FEIR is no longer relevant, the County must start again and proceed with a new EIR that addresses the environmental impacts of the Project as a whole—including the restaurant, hotel, workforce housing village, and additional gas island. Without a new EIR considering all of these elements at once, the County would be improperly segmenting the Project and failing to evaluate all of its potentially significant environmental impacts, as well as feasible mitigation measures and alternatives to lessen or avoid such impacts.

## **II. The SEIR’s analysis of and mitigation for the impacts of the proposed Project are inadequate.**

Although the County should have proceeded with a new EIR for the entire project, even if the County could proceed with an SEIR for the workforce housing alone, the document still does not comply with CEQA for the reasons described below. Subsequent EIRs are governed by CEQA’s standards for initial environmental impact reports. *Friends of College of San Mateo Gardens*, 1 Cal.5th at 952, fn.3.

The environmental impact report is “the heart of CEQA.” *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392 (citations omitted) (*Laurel Heights*). It “is an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted). Where, as here, an EIR fails to fully and accurately inform decision makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). Here, the SEIR places Mono County decision-makers in the untenable position of rendering judgment on the Project without the information they need to truly understand its environmental impacts. CEQA does not permit this outcome.

**A. The SEIR’s incomplete and inconsistent project description undermines the analysis of the Project’s environmental effects.**

An “accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, quoting *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 193. Such a description is “necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.*, quoting *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1143. An inaccurate or incomplete project description may infect every subsequent section of the EIR and render the analysis of significant environmental impacts inherently unreliable.

Project descriptions that are internally inconsistent or incomplete are inadequate as a matter of law. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83, 89 (holding that an EIR was inadequate because its project description was “inconsistent and obscure” as to the extent of project activities). An inconsistent description sends “conflicting signals” that may mislead the public and decisionmakers about the project’s scope, preventing informed decision-making about the project’s environmental consequences. *Id.* at 82-84, quoting *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-56.

The SEIR's description of the workforce housing and who it will serve is internally inconsistent. For example, the objective of the workforce housing project is to "provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses." SEIR 3-5. Thus, the Specific Plan Amendment and SEIR, in many places, express a commitment to housing on-site employees. SEIR 4-1 (stating that the Project "has a primary goal of facilitating the construction of up to 100 workforce housing units . . . to accommodate employees of the previously approved hotel and full-service restaurant"); SEIR 4-11 ("These units will . . . provide affordable housing for onsite employees."). Indeed, the provision of onsite employee housing is described as a Project feature in various sections of the impact analysis. The SEIR suggests that onsite housing supports compliance with the County's General Plan, SEIR 5.5-15 ("Provision for onsite employee housing will increase the likelihood that employees will have access to affordable housing near their place of work"), and could reduce fuel consumption and traffic associated with commuting, SEIR 5.8-11 (describing "[p]rovision of onsite workforce housing" as a feature that would "reduce the fuel costs associated with commuting").

In other places, however, the SEIR and Specific Plan Amendment indicate that housing will be made available to people who are employed elsewhere. SEIR 4-9 (stating that the Project's objective is to provide housing for employees of onsite uses "as well as [employees of] offsite land uses in the larger community"); SEIR 5.5-16 ("The workforce housing would, if approved and if units are available, be offered to Lee Vining residents."). During many months of the year, for example, the housing would be "made available to offsite workers, such as ski industry employees." SEIR 5.6-13. In addition to suggesting that the workforce housing will serve off-site employees, the SEIR indicates that the "onsite" employees may not necessarily be employed by any of the uses proposed in the Project: "Home businesses . . . shall be permitted." SEIR 4-20.<sup>1</sup>

In addition to its inconsistent description of *whom* the workforce housing will serve, the SEIR's description of *when* the workforce housing will be constructed relative to the other project elements is internally inconsistent. For example, the original 1993 Specific Plan established a sequence of construction in which the workforce housing would follow the hotel. 1993 Specific Plan and FEIR 12-13. In some places, the SEIR and Specific Plan Amendment adhere to this sequence. Exhibit 3-3 states that the

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<sup>1</sup> The notion that the workforce housing will serve off-site workers has also been publicly promoted as a benefit of the Project. See Rea, *Tioga Inn In The Works*, The Sheet (Nov. 5, 2016), attached hereto as Exhibit 1 (quoting Project applicant Dennis Domaille as saying: "I hesitate to call it employee housing. . . . It's just rental housing.").

workforce housing “will not be constructed until need is demonstrated or when [the] hotel is built.” SEIR 3-4.

But the Specific Plan Amendment also contains contradictory statements about the timing of workforce housing construction. For example, the Specific Plan Amendment’s discussion of phasing rejects the sequence described above, stating that “[S]ome or all of the proposed workforce housing area may be developed in advance of the hotel and the full-service restaurant.” SEIR 3-9; *see also* SEIR 4-13 to -14. Similarly, the aesthetic impacts section of the SEIR assumes that the workforce housing will be constructed either before or concurrently with the hotel. SEIR 5.12-10 (stating that grading will shift material from the housing pad to the hotel site).

These inconsistencies raise the question of whether the workforce housing will actually meet the project objectives. The Project’s workforce housing objective is to “provide sufficient workforce housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses.” SEIR 3-5. But if the workforce housing is built before the hotel and restaurant are constructed, and if it is made available to off-site employees, it will not serve employees of the hotel, restaurant, and other land uses. Instead, it would be just another housing development, with no discernible relationship to the other elements of the Project or the Project’s objectives.

The Specific Plan Amendment and SEIR compound this problem by failing to provide sufficient detail regarding eligibility criteria for the workforce housing. For example, while the SEIR states that occupancy of workforce housing “would be linked to eligibility criteria,” SEIR 5.5-20, its references to such criteria are vague and insufficiently complete. As an initial matter, the reference to eligibility criteria cited in the previous sentence is entirely conclusory and contains no additional explanation. To find additional detail, members of the public must go hunting through the lengthy SEIR document to different sections. In those sections, the SEIR states only that the workforce housing would be available to “employees (whether on the Tioga site or other locations),” SEIR 5.6-7; *see also* SEIR 4-20, and that some form of preference would be given to “employees of the project site.” SEIR 5.6-7. The SEIR does not provide any detail about how these preferences or criteria will operate. For example, if the housing is built before the hotel, will offsite employees be evicted if an onsite employee requests housing once the hotel is built? After the hotel and restaurant are constructed, will hotel or restaurant employees be evicted if they are laid off after the peak summer months, when on-site employment would drop from 187 to as few as 20? *See* SEIR 5.6-13. The document does not answer these questions, nor does it describe how any eligibility criteria would be administered or enforced.



Related to eligibility criteria, the SEIR and Specific Plan Amendment fail to provide a consistent and complete description of whether the workforce housing will be affordable. Although the SEIR frequently references affordability and assumes that the workforce housing will be affordable, *see, e.g.*, SEIR 1-4 (noting that the Project would satisfy the County's goal to provide affordable housing for employees); SEIR 4.11 (stating that workforce housing units will "provide affordable housing for employees"), it does not provide any guarantees as to affordability. Although the SEIR states vaguely that rents are "anticipated to be at or below 30% of household income," it does not *require* affordability or any particular rent. Further, it is not clear whether there will be any income restrictions. Without rent restrictions or income restrictions, there is nothing in place to ensure that the workforce housing is (a) actually affordable for onsite employees, and (b) not a gift to wealthier residents.

In addition to raising questions about whether the workforce housing will meet the Project objectives, these vague and inconsistent descriptions make it impossible for members of the public to analyze the Project's effects on the environment. For example, the Project's traffic and greenhouse gas impacts will depend entirely on whether employees are working on-site or commuting to and from remote locations. *See, e.g.*, SEIR 4-14 ("The provision of onsite workforce housing will minimize home-to-work traffic and fuel consumption."). The Project's compliance with County land use policies regarding affordability will depend on the income and rental restrictions described above. Further, population and housing impacts as well as growth-inducing impacts will depend on whether onsite employees will be adequately served by the workforce housing. If offsite employees have occupied the Project housing, forcing onsite employees to find housing elsewhere, the population of Lee Vining could increase beyond the SEIR's estimates, and the Project could either put a strain on area housing and/or induce new housing and infrastructure to be built. Additionally, demands on public services would be different if the workforce housing were to reach capacity without meeting the needs of onsite employees.

To correct these problems, the SEIR must provide an accurate, consistent, and complete project description. Such a description must include clear eligibility criteria describing in greater detail how the system of preferences and eligibility would operate to ensure that the workforce housing serves onsite employees. Further, the description must guarantee that workforce housing construction will be tied to construction of the hotel and/or restaurant. If the workforce housing is built first, with no guarantee that hotel and restaurant construction will follow—and the last 26 years without construction of these uses suggests that such an outcome is not only possible, but perhaps even likely—the Project will entirely fail to meet its objectives. It will be revealed as simply a façade for a

new housing development that would dwarf the existing community and would have nothing to do with providing local businesses with workforce housing.

**B. The SEIR fails to analyze and mitigate the Project's significant environmental impacts.**

CEQA requires that an EIR be detailed, complete, and reflect a good faith effort at full disclosure. Guidelines § 15151. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision-makers to make intelligent judgments. *Id.*; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 355, 358 (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment).

Meaningful analysis of impacts effectuates one of CEQA's fundamental purposes: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights*, 47 Cal.3d at 392. To accomplish this purpose, an EIR "must contain facts and analysis, not just an agency's bare conclusions." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929, 935. Nor may an agency defer its assessment of important environmental impacts until after the project is approved. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07. An EIR's conclusions must be supported by substantial evidence. *Laurel Heights*, 47 Cal.3d at 392-93.

As documented below, the SEIR fails to identify, analyze, or support with substantial evidence its conclusions regarding the Project's significant environmental impacts, and also fails to consider feasible mitigation for the Project's significant impacts. These deficiencies render the SEIR inadequate under CEQA.

The SEIR suffers from several major problems and is insufficient to support a decision on the Project. In some cases, the SEIR fails altogether to provide the necessary analysis. In other cases, the SEIR provides insufficient mitigation measures, or ignores feasible mitigation measures that could lessen some of the project's substantial impacts. The document also substantially understates the severity and extent of a range of environmental impacts, including but not limited to significant impacts related to visual resources, wildfire evacuations and fire protection services, biological resources, vehicle miles traveled, cumulative greenhouse gas emissions, population and housing, and conflicts with local land use plans. This failure defeats CEQA's purpose of creating a process by which the public and decision-makers can fully appreciate the consequences of Project approval. *See* CEQA Guidelines, § 15002(a)(1) (listing as one of the "basic

purposes” of CEQA to “[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities”).

To ensure that the public and the County’s decision-makers have adequate information to consider the effects of the proposed Project—as well as to comply with the law—the County must prepare and recirculate a revised SEIR that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

**1. The SEIR must revise its analysis of visual and aesthetic impacts and consider additional feasible mitigation measures to reduce significant adverse impacts to visual resources.**

Under CEQA, it is the state’s policy to “[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities.” Pub. Res. Code § 21001(b) (emphasis added). “A substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.” *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 401. No special expertise is required to demonstrate that the Project will result in significant aesthetic impacts. *Id.* at 402 (“Opinions that the [project] will not be aesthetically pleasing is not the special purview of experts.”); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (“[N]o special expertise is required on this topic.”).

The SEIR recognizes the impressive and important visual resources at stake: “In combination with the dramatic Sierra escarpment leading into Yosemite National Park, the otherworldly beauty of Mono Lake is among the outstanding scenic vistas of the world.” SEIR 5.12-4. Further, the SEIR correctly recognizes that the Project’s irreversible changes to scenic and visual resources constitute a significant impact. SEIR 5.12-22.

The Project’s visual impacts are a great source of concern to the Mono Lake Committee and its members. As the SEIR acknowledges, the Project’s impacts are likely to be significant and unavoidable. Given the importance of the Mono Basin’s visual characteristics—as a point of community identity and pride, as a central element of the area’s tourist economy, and as a unique and inherently valuable resource in itself—it is of paramount importance that the County fully and correctly analyze the Project’s impacts to visual resources and consider *all* feasible mitigation measures to lessen those impacts.

The SEIR's analysis, however, falls short in several significant respects. In addition to the numerous deficiencies detailed in the contemporaneously-filed letter from the Mono Lake Committee, the SEIR contains a contradictory and inadequate analysis of impacts from light and glare.

The SEIR's conclusion that light and glare impacts would be significant and unavoidable is not supported by facts or analysis in the SEIR, as required by CEQA. The SEIR first implies that the Project would have a "less than significant impact" related to light and glare. SEIR 5.12-26. The SEIR gestures toward this conclusion based on the Project's compliance with local dark sky and scenic by-way regulations. For example, the SEIR states: "[t]he [Project's] potentially significant light and glare impacts would be reduced to less than significant levels through mandatory compliance with the [dark sky regulations]". *Id.* But after this "analysis," and without any explanation, the SEIR nevertheless concludes that the Project's lighting and glare impacts will be "significant and unavoidable." 5.12-27. This conclusion does not follow logically from the SEIR's purported analysis. As a result, the SEIR is inadequate as a matter of law. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 514 ("[T]he adequacy of an EIR's discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant. 'An EIR's designation of a particular adverse environmental effect as 'significant' does not excuse the EIR's failure to reasonably describe the nature and magnitude of the adverse effect.'") (citation omitted). Even though the SEIR correctly concludes that light and glare impacts would be significant, the County must correct its analysis to explain to the public *why* and *how* the Project would affect visual resources. A correct analysis would lead to a more informed discussion of the Project and potential mitigation measures to reduce its impacts.

Furthermore, the SEIR may not correct the analytical error above simply by concluding, based on the same analysis, that the Project's light and glare impacts would be less than significant. As stated above, the SEIR gestures toward that conclusion because of its assertion that light and glare impacts would be "reduced to less than significant levels" based on compliance with local regulations. SEIR 5.12-26. But compliance with local regulations alone is not enough to support a determination that an impact would be less than significant. Instead, the EIR must independently analyze the Project's impacts. *E. Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 302-03 (agency improperly used city's general plan standard as sole threshold to avoid finding significant traffic impacts); *Californians for Alternatives to Toxics v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1, 15-20 (reliance on safety regulations "is inadequate to address environmental concerns under CEQA"). For example, the SEIR must analyze whether compliance with dark sky

regulations will be effective given the placement of the Project on an elevated bluff, where even downward-facing lights will be highly visible from the surrounding area.

When an EIR identifies a Project's impact as severe, the agency must consider all potentially feasible mitigation to lessen the Project's effects on the environment. Guidelines § 15126.4(a)(1) ("An EIR *shall* describe feasible measures which could minimize significant adverse impacts[.]") (emphasis added); § 15126.4(a)(1)(B) ("Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified."). Here, the agency must consider the following feasible mitigation measures to reduce the Project's significant adverse impacts to visual resources:

- Design site grading to mitigate the scenic impacts of the workforce housing village by lowering the ground level until the roofs of the housing structures are not visible from the South Tufa site, near the shores of Mono Lake, or from Highway 395 south of the junction with SR 120.
  - Use fill from the Project site to construct larger earthen berms to obscure the workforce housing village or other Project elements from scenic vantage points.
  - Require greater setbacks from the eastern edge of the sloping moraine on the Project site.
  - Limit building heights. In combination with the other mitigation measures listed here, height limits could effectively reduce the visibility of the workforce housing from the surrounding areas.
  - Require underground parking to reduce the footprint of the site and create additional options for siting structures that may have less significant aesthetic impacts.
  - Separate the housing structures into smaller units. Separating the housing into smaller structures, rather than consolidating the units into a handful of large buildings, could allow for different siting options that could reduce the Project's visual effects.
2. **The SEIR fails to adequately analyze the Project's impacts related to wildfire evacuations and fire protection services.**

As proposed, the Project would site 100 residential units and a previously-approved 120-unit hotel and promontory restaurant on rugged hillside terrain near a windy canyon surrounded by open, wild sagebrush scrub and forested lands. *See generally* SEIR. In so doing, the Project would both create and be located in a wildland urban interface in what the California Department of Forestry and Fire Protection has identified as a moderate fire hazard severity zone. SEIR 5.7-5. Indeed, the history of the area reveals a close call with a wildfire in the recent past. As the SEIR discusses, a wildfire swept down Lee Vining Canyon in 2000, leaving scars on the Project site and coming close to the convenience store. *See* SEIR 5.3-2, 5.3-5. The 2000 wildfire also jumped Highway 395 and resulted in the temporary closure of both roads serving the Project site, Highway 395 and SR 120. *See* Mono Lake Newsletter, *The Lee Vining Canyon Fire* (Summer 2000), attached as Exhibit 2.

Yet despite these hazardous conditions, the SEIR does not identify wildfire-related risk as a significant impact and its analysis is flawed. As an initial matter, the SEIR fails to include any standards or thresholds for assessing the significance of impacts relating to wildfire evacuation. A threshold is a numeric or qualitative level at or below which impacts are normally less than significant. CEQA Guidelines §15064.7(a); *see also Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1107. This flaw leads to a cascade of other failures: without a threshold, the EIR cannot do its job. Thus, for example, while the SEIR asserts that the Project would not interfere with an adopted emergency evacuation plan, it provides no standard by which to evaluate this impact's significance. SEIR 5.7-21.

In place of a well-reasoned analysis, the SEIR simply concludes that the Project would not impair implementation of an emergency response or evacuation plan because the site has access to SR 120. SEIR 5.7-21. But the site's access to evacuation routes alone does not mean that these routes or the roadways provided for people on the Project site to access those routes can safely handle an evacuation of the site during a natural disaster. And although the SEIR includes a mitigation measure—the development of an evacuation plan—it does not contain any explanation or analysis of whether or how such an evacuation plan would be effective.

Alarming, the SEIR contains no analysis of whether US 395, SR 120, or the access road on the Project site have the capacity to handle emergency evacuations in light of the greatly increased population of the workforce housing village and the population of tourists and out-of-town visitors attracted by the hotel and restaurant. Common sense dictates that an EIR should *at least* consider (1) the number of cars attempting to evacuate the project area, along with the significant impacts incident to such an evacuation; (2) the amount of time it would take for all residents and visitors to

clear the site; and (3) the significant impacts to emergency personnel attempting to respond while an evacuation is underway; not to mention (4) whether the County Community Center in Lee Vining that is currently used as an emergency evacuation center could handle the potential increase in evacuees. *See Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175 (“Common sense . . . is an important consideration at all levels of CEQA review.”) Especially in light of the single paved entrance to the site and the placement of the housing at the far end of the single access road, the SEIR’s conclusions that the Project would not impair an evacuation plan is not supported by substantial evidence. As such, the County cannot approve the Project unless it recirculates a revised SEIR that adequately analyzes the aforementioned wildfire evacuation impacts. Once an adequate analysis is provided, the SEIR must evaluate feasible mitigation to lessen any significant impacts. The development of such mitigation may not be deferred until a later date as the SEIR currently attempts.

Related to fire impacts, the SEIR fails to adequately analyze and mitigate the Project’s public-services-related impacts to the Lee Vining Fire Protection District. Neither the public services section nor the wildfire risk section discusses the Project’s impacts on the services available from the Lee Vining Fire Protection District (“LVFPD”). But the Project could have significant adverse impacts related to the LVFPD. The Project, by potentially tripling or quadrupling the population of the Lee Vining area, could significantly increase the demand for the fire protection and emergency medical services that the LVFPD provides. This increased demand could create a need for an expansion of LVFPD facilities or equipment in order to maintain acceptable service ratios and/or response times. The SEIR, however, does not contain any analysis of the Project’s impacts related to fire protection services. While the wildfire-risk section of the SEIR discusses the construction of fire hydrants on-site, SEIR 5.7-23, the number of hydrants onsite has nothing to do with demand for the LVFPD’s services or the Project’s potential to generate a need for additional or modified LVFPD facilities.

These impacts could be especially severe given the volunteer status of the LVFPD. Additional calls related to new development, including both fire-related and emergency-medical-related calls, could stretch volunteers thin and reduce levels of safety in the community. And maintaining existing levels of service despite new demand could cause fundamental changes to LVFPD operations. As a volunteer department, LVFPD cannot simply “scale up” and hire additional firefighters due to new development. Instead, the LVFPD would have to significantly change its mode of operation to hire even a single paid firefighter as an employee. The County should consider, as a mitigation measure, creating a new paramedic unit based in Lee Vining and requiring the Project to pay fees for its fair share of the costs of providing the needed service.

We understand that the LVFPD is preparing a comment letter responding to the SEIR. The County must recirculate a revised SEIR that adequately analyzes the Project's impacts related to fire protection services, including a clear analysis of the points raised above, as well as those submitted by the LVFPD. The recirculated SEIR should also contain feasible mitigation for any impacts identified. For example, the SEIR should impose mitigation fees that require the Project proponents to pay for their fair share of the increased service costs caused by the Project.

**3. The SEIR fails to adequately analyze and mitigate significant adverse impacts related to biological resources.**

The SEIR correctly concludes that the Project will have a significant and unavoidable impact related to the migratory patterns of wildlife, including mule deer. SEIR 5.3-21. Nevertheless, the SEIR must still adequately and accurately describe the nature of the Project's impacts on the mule deer, *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514 (“An EIR’s designation of a particular adverse environmental effect as ‘significant’ does not excuse the EIR’s failure to reasonably describe the nature and magnitude of the adverse effect.”), and it may not rely on ineffective and unenforceable mitigation measures. The SEIR falls short on both accounts, as explained in letter submitted contemporaneously by the Mono Lake Committee. That letter’s comments regarding impacts to mule deer, the inadequacy of the SEIR’s proposed mitigation measures, and proposals for additional feasible mitigation measures are incorporated by reference herein.

**4. The SEIR fails to adequately analyze and mitigate significant adverse impacts related to vehicle miles traveled.**

CEQA is an information-forcing statute, and its purpose is to inform the public about a Project’s potential environmental impacts. Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment . . . .”). An EIR’s discussion of impacts is legally acceptable “if it provides sufficient information and analysis to allow the public to discern the basis for the agency’s impact findings.” *Californians for Alternatives to Toxics v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1, 13.

The SEIR’s uniquely uninformative discussion of vehicle miles traveled (“VMT”) falls far short of this standard. The SEIR simply states that Mono County has not yet adopted a threshold of significance for VMT. 5.9-10. It then indicates that the annual VMT for the Project is estimated to be 872.133 miles, and that the cumulative



VMT for the Project with the already-approved elements is estimated to be 3,277.43 miles. *Id.*

The SEIR provides no analysis of these figures. There is no baseline presented regarding VMTs absent the Project. *See* CEQA Guidelines § 15125 (“An EIR must include a description of the physical environmental conditions” to constitute “the baseline . . . by which a lead agency determines whether an impact is significant.”). There is no discussion of the relationship between any particular amount of VMTs and the corresponding effect on the environment. Nor is there any explanation of what the VMT figures actually represent or the assumptions that went into their calculation, which makes it impossible to assess their accuracy. For example, did the VMTs include the addition of 60-mile round-trip commutes from the workforce housing to Mammoth Mountain Ski Area, given the acknowledged availability of workforce housing to ski area employees? The SEIR does not say. Such a bare presentation of uncontextualized figures, untethered to any information that might help the public reach a conclusion about the Project’s environmental effects, is inadequate.

Further, the SEIR’s conclusion that the Project would have a less than significant impact related to VMTs is inadequate because the SEIR’s qualitative analysis is flawed. The SEIR assumes that VMTs will be insignificant because the Project is adjacent to a public transit stop and because the applicant “intends” to provide space for an Eastern Sierra Transit Authority (“ESTA”) bus stop onsite if the project is approved. SEIR 5.9-10. The SEIR, however, does not provide any evidence or analysis to support its assumption that workforce housing residents will take public transportation. And the SEIR cannot rely on an applicant’s mere “intent” without more. For the SEIR to rely on the presence of an ESTA bus stop onsite in reaching its conclusion that the Project would have a less than significant effect on VMTs, the SEIR must *require* that the Project include such a feature.

Nor may the SEIR “presume” that the Project would cause a less than significant transportation impact pursuant to Guidelines section 15064.3, which the SEIR adopts as a threshold for significance. SEIR 5.9-8. Section 15064.3(b)(1) states that such a presumption may apply to a project within one-half mile of an existing major transit stop or a stop along an existing high quality transit corridor. But the SEIR does not identify whether either of these factors is present. *See* Pub. Res. Code § 21064.3 (defining “Major transit stop” as “the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less” during peak commute times); Pub. Res. Code § 21155(b) (defining a “high-quality transit corridor” as a corridor with bus service with service intervals no longer than 15 minutes during peak commute times). ESTA in particular, while it does provide a valuable service, does not support the site’s

meeting the criteria for a major transit stop or a high quality transit corridor. *See* Exhibit 3, ESTA Transit Schedule, Lone Pine to Reno Route.

Finally, it is not clear from the analysis of VMT whether the SEIR has taken into account the fact that the workforce housing units may be inhabited by offsite employees, some with significant commutes to Mammoth Lakes, ski areas, Yosemite National Park, or more remote locations. *See* SEIR 5.6-13. Thus, considering all of the above, the SEIR's conclusion related to VMTs is not supported by substantial evidence.

**5. The SEIR fails to analyze cumulative impacts related to greenhouse gas emissions.**

CEQA requires the lead agency to analyze and mitigate a Project's potentially significant cumulative impacts. CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. An effect is "cumulatively considerable" when the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15065(a)(3). A proper cumulative impact analysis is "absolutely critical," *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217, as it is a mechanism for controlling "the piecemeal approval of several projects that, taken together, could overwhelm the natural environment," *Las Virgenes Homeowners Federation, Inc. v. County of L.A.* (1986) 177 Cal.App.3d 300, 306. GHG emissions in particular are inherently cumulative. In evaluating GHG emissions, the County must focus on the Project's "incremental contribution" to climate change, which may be "cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions." Guidelines § 15064.4(b).

The SEIR fails to analyze the GHG impacts of the Project in combination with the GHG impacts from the previously approved elements (i.e., the hotel and restaurant), either as part of the stand-alone GHG section or in the cumulative impact analysis section. This flaw is particularly problematic in light of the fact that the 1993 FEIR did not include any analysis of climate change.<sup>2</sup> Because of these omissions, there is *no analysis* of the GHG emissions resulting from the hotel and restaurant available to the public.

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<sup>2</sup> Nor is there any evidence that the GHG emissions from the already approved but not constructed elements of the Specific Plan are included in the SEIR's GHG baseline.

The unstudied GHG impacts could be independently as well as cumulatively considerable. The hotel and restaurant alone are anticipated to draw robust tourist traffic, often from distant locations, resulting in potentially significant transportation-related emissions. Indeed, as the SEIR's VMT analysis indicates, the Project's cumulative VMTs are almost four times more considerable than the VMTs generated by the workforce housing alone. SEIR 5.9-10. Because this analysis is absent, however, and cumulative GHG emissions from already-approved elements are not included in the County's GHG calculations, the County's conclusion that the Project will not meet the 3,000 MT CO<sub>2</sub>e threshold of significance is not supported by substantial evidence. The County must re-do these calculations taking into account all of the Project's elements.

The SEIR's silence as to the cumulative GHG emissions impacts of the previously approved and newly proposed Project elements is not permissible. CEQA Guidelines § 15130(a) (setting forth the requirement that an EIR shall discuss cumulatively considerable effects and "briefly describe its basis for concluding that [an] incremental effect is not cumulatively considerable."). The SEIR must be revised to calculate the Project's cumulative increase in GHG emissions and assess its significance.

**6. The SEIR's analysis of population and housing impacts is inadequate.**

Under CEQA, a project has significant impacts if it would "induce substantial unplanned population growth in an area, either directly . . . or indirectly[.]" Guidelines, Appendix G, section XIV.a. This Project will cause a significant impact in Lee Vining by effectively tripling or quadrupling the population of the area. As the SEIR states, Lee Vining proper has a current population of about 90, SEIR 5.6-4, and the workforce housing village—not including the transient residents of the hotel—will increase the population of Lee Vining by 194 to 293 people, SEIR 5.6-10, an increase of more than 300%, SEIR 5.6-14.

The SEIR's analysis of population and housing impacts has several significant flaws that render it legally deficient. First, the SEIR incorrectly analyzes the Project's population and housing impacts in relation to projected theoretical growth in the Mono Basin area. *See* 5.6-11 to -12. But because the population impacts will directly impact Lee Vining, the town of Lee Vining, and not the Mono Basin area, is the correct framework for this analysis.

Second, the SEIR erroneously compares the Project's population and housing impacts against a future baseline, rather than a baseline of current conditions,

without justifying its choice. Conditions existing “at the time the notice of preparation is published . . . will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines section 15125. An agency *may* select a baseline of projected future conditions if such a decision “is justified by unusual aspects of the project or the surrounding conditions.” *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 508-09. The SEIR does not identify any such unusual circumstances or conditions here, nor does it otherwise justify the selection of projected future growth as a baseline. In fact, the only unusual circumstances present—a Project that would quadruple the population of a town in one stroke—suggest that a baseline of current conditions is more appropriate.

Additionally, the selection of the “practical build-out” scenario described in the General Plan as a baseline or a threshold of significance for population growth is grossly inappropriate, *see* SEIR 5.6-11, given the General Plan EIR’s description of what that scenario describes. The “practical build-out” scenario is based on the theoretical maximum build-out of all parcels in the County—i.e., a scenario that assumes that “build-out will include 100% of the total dwelling units that could potentially be built.” Mono County General Plan EIR 4.12-6. The practical build-out scenario takes into account known constraints related to hazards, infrastructure limitations, and agricultural preservation. But “even the ‘practical’ [scenario] overstates development.” *Id.* Notably, the General Plan EIR states that one of the reasons the practical scenario overstates development is because it fails to account for “environmental concerns” that would effectively limit development. *Id.*, 4.12-6 to -7.

The SEIR cannot legitimately determine that a current Project will have no significant adverse environmental effects related to population growth because it compares favorably to a hypothetical future scenario that overstates development and *fails to account for environmental concerns*. Such a hypothetical future scenario cannot be said to represent “planned” growth, making the SEIR’s use of that scenario in evaluating whether a project would “induce substantial unplanned population growth” arbitrary and capricious. *See* SEIR 5.6-7. Further, in relying on the practical build-out scenario, the SEIR fails to analyze the Project’s actual population impacts: to name one example, there is no discussion of how Lee Vining will absorb quadrupled parking demand when parking is already a scarce resource, and the greater demand for parking could result in greater traffic and related emissions from visitors circling for parking or the environmentally-damaging construction of new parking infrastructure (especially given the acknowledged uncertainty as to whether pedestrian and bicycle improvements would be implemented, *see* SEIR 5.9-9).

The SEIR must re-do its analysis of population and housing impacts using an appropriate baseline and incorporating an appropriate and well-supported analysis of *actual* impacts related to population growth.

**7. The SEIR fails to identify the Project’s significant adverse land use impacts related to conflicts with local land use plans in violation of both CEQA and the State Planning and Zoning Law.**

CEQA requires that environmental impact reports analyze the consistency of a project with applicable local plans. *See Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 356; Guidelines § 15125(d). Inconsistencies with a general plan or other local plan goals and policies that were enacted in order to protect the environment are significant impacts in and of themselves and can also be evidence of other significant impacts.

Furthermore, the State Planning and Zoning Law (Gov. Code § 65000 et seq.) requires that development decisions—including specific plans and amendments of specific plans—be consistent with the jurisdiction’s general plan. Gov. Code §§ 65359, 65454. “Under state law, the propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. The requirement of consistency with the general plan includes consistency with provisions of local land use plans incorporated into the general plan. *See Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153. Accordingly, “[t]he consistency doctrine is the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.

It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” *Napa Citizens*, 91 Cal.App.4th at 379. The project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determining question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” *Id.* at 379. As discussed in more detail below, the Project is directly inconsistent with numerous provisions in the General Plan and documents incorporated into the General Plan.

Because the SEIR fails to identify various conflicts and inconsistencies with local land use plans as a significant adverse impact, the SEIR is legally deficient.

The Project conflicts with local land use plan goals related to preserving aesthetic and scenic values. The Mono Basin Community Plan (“Community Plan”) contains a goal stating that the County should “[m]aintain the spectacular natural values of the Mono Basin and rural, small-town character of communities by managing growth[ and] ensuring high-quality aesthetics . . . .” Community Plan at 17. To implement this goal, the Community Plan sets forth a policy to “support design practices that protect scenic vistas,” which may be implemented by “[e]ncourag[ing] the siting and design of buildings to preserve scenic vistas.” Community Plan at 18. The values reflected in these goals and actions are at the heart of the Community Plan, and they appear throughout the document. *See* Community Plan at 13 (emphasizing “small, compact communities” and “low-density limited development patterns lead[ing] to a small-town rural character,” as well as “a healthy natural environment with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space. We protect and cherish the natural character of the land by minimizing the intrusiveness of structures, protecting our natural assets, and being environmentally responsible.”). The Project conflicts with these goals and policies. As the SEIR acknowledges, and as discussed at greater length in Section II.B.1 of this letter, the Project will have a significant adverse impact on scenic vistas. SEIR 5.12-22.

In light of this conflict, the SEIR incorrectly concludes that the Project will have a less than significant impact related to conflicts with local land use plans. *See* SEIR 5.5-24. This conclusion is not supported by substantial evidence, as the SEIR itself acknowledges that aesthetic impacts will be significant. SEIR 5.12-22. Further, the SEIR’s attempt to explain away this conflict is inadequate. *See* SEIR 5.5-16. The SEIR states that the newly proposed project uses will not conflict with maintaining scenic values because they will not “substantively change the rural character and scenic values of the site *relative to existing approvals*.” SEIR 5.5-16 (emphasis added). The SEIR further responds to Community Plan policies to preserve scenic vistas by stating that the Project’s design elements will be in harmony with existing development onsite, and siting of new uses “incorporate[] . . . visual perspectives gained from the schematic renderings.” SEIR 5.5-18. But the SEIR later concludes that the newly proposed workforce housing itself would be visible from the southern and eastern portions of Mono Lake, disturbing scenic vistas independent of any disturbances from approved uses. SEIR 5.12-13.<sup>3</sup>

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<sup>3</sup> The Project’s placement and visibility from scenic viewpoints and from Highway 395 also conflict with the County’s Ridgeline Development Design Guidelines (“Structures should not be located on or near visually prominent areas . . . or ridgelines”), *see also*

For similar reasons, the SEIR is legally deficient because it fails to recognize conflicts with traffic/circulation and public safety policies as significant adverse land use impacts. For example, the Community Plan includes a policy related to providing “safe and convenient pedestrian and biking facilities.” Community Plan 23. But, despite the fact that the Project will have significant adverse pedestrian safety impacts, and there is no guaranteed mitigation to address those impacts, SEIR 5.8-9, the SEIR fails to identify a conflict with the Community Plan’s policy.

The SEIR also fails to recognize inconsistencies between the Project and local land use plan policies related to workforce housing and affordable housing. The Community Plan sets forth a goal to increase workforce housing, and notes that the County should “[e]stablish tenant eligibility criteria, *including a time requirement as a local resident and/or local employee*, for workforce housing units.” Community Plan at 21. Yet despite the SEIR’s assurances that the Project would increase workforce housing and contain eligibility criteria, *see* SEIR 5.5-20, the SEIR and Specific Plan Amendment contain insufficient eligibility criteria, *see* Section II.A, *supra*. Further, the document’s vague references to tenant eligibility do not include any time requirements. In fact, the SEIR’s statements that workforce housing could serve off-site ski industry employees suggests that the housing may not serve “local employee[s]” at all.

In terms of affordable housing policies, the General Plan’s housing element requires development projects to comply with County Code requirements for affordable housing. Housing Element 73 (“Program 2.9: Development projects shall comply with the Mono County Housing Requirements (Mono County Code 15.40), which requires development projects to include affordable housing.”).<sup>4</sup> But the SEIR does not contain any description of guaranteed income or rent restrictions and thus does not ensure either that all of the housing will be affordable or that the Project will be in compliance with the County Code’s requirements for affordable housing.

These inconsistencies and inadequacies may lead to the Project’s workforce housing serving off-site employees working dozens of miles away, with no guarantee that the housing will be affordable. Such an outcome would frustrate the goals and policies of

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SEIR 5.12-10, and Mono County Scenic Combining District regulations, *see* SEIR 5.12-20 (“New structures shall be situated where, to the extent feasible, they will be least visible from the state scenic highway.”).

<sup>4</sup> Although it appears as though the County’s inclusionary housing ordinance is temporarily suspended, SEIR 5.6-7, the SEIR should still analyze these policies because they are in the General Plan, and the ordinances may be re-instated.

the General Plan and Community Plan to provide affordable workforce housing, and approval of the SEIR would thus violate the Planning and Zoning Law.

**C. The SEIR Fails to Adequately Analyze Alternatives to the Project.**

The SEIR does not comply with the requirements of CEQA because it fails to undertake a legally sufficient study of alternatives to the Project. CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives . . . which would substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002. As such, a “major function of an EIR is ‘to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.’” *County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 203 (citation omitted). To fulfill this function, an EIR must consider a “reasonable range” of alternatives “that will foster informed decision making and public participation.” Guidelines § 15126.6(a). “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR . . . .” *Kings County Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 733.

Here, the SEIR’s analysis of alternatives is legally deficient in several ways. First, the analysis of the Optional Siting Alternative is arbitrarily constrained. Although the SEIR’s discussion of the Optional Siting Alternative from the 1993 Specific Plan acknowledges that “it is still potentially feasible to consider alternative siting layouts” because the hotel and restaurant have not yet been developed, the SEIR duplicates errors in the 1993 FEIR’s alternatives analysis and arbitrarily rejects alternative sites. For example, the SEIR rejects alternative sites for the hotel and restaurant that would mitigate visual and aesthetic impacts because alternative sites “would [not] meet the project objective to deliver outstanding views.” SEIR 7-5. But “delivering outstanding views” has never been a Project objective. The Project’s objectives are, rather, to “draw upon” tourist traffic through Mono County and “provide a complete range of services” to visitors. SEIR 3-3. There are no objectives related to providing visitors with views. Rather, the visual objective of the Project is “to blend into the natural setting through careful structure siting.” SEIR 3-3. Thus, the SEIR’s conclusion that the Optional Siting Alternative fails to meet Project objectives is arbitrary.

Second, the analysis of the Reduced Development Alternative is arbitrary, and the SEIR’s analysis is flawed and incomplete. As an initial matter, although the SEIR identifies the Reduced Development Alternative as environmentally superior, SEIR 7-7, the SEIR fails to explain its seemingly nonsensical conclusion that “this alternative would reduce the acreage designated for Open Space-Preserve compared to the project as



proposed.” SEIR 7-5. It violates common sense that a less intensive development would decrease the amount of open space available on the Project site, and the SEIR does not provide any evidence or analysis to support its conclusion.

Similarly, the SEIR does not provide any explanation for its conclusions that the Reduced Development Alternative would be less effective in meeting Project objectives. For example, the SEIR does not explain how reducing the amount of workforce housing available onsite would reduce the Project’s ability to “provide [a] full range of tourist/traveler/resident services,” to “optimize customer views” (though note, as argued above, that this is not properly a Project objective), to “strengthen [the] area economy,” or to “[u]pgrade infrastructure sizing to meet needs.” SEIR 7-7 to -8. Because there is no apparent reason why reducing the size of the workforce housing village would impair these objectives, and the SEIR does not provide any explanation, the SEIR has arbitrarily rejected the environmentally superior alternative.

Finally, the SEIR should consider additional feasible alternatives that would meet the Project objectives and be more effective in reducing environmental impacts. A discussion of several such alternatives is included in the contemporaneously-submitted letter by the Mono Lake Committee. The discussion of alternatives in the Mono Lake Committee’s letter is adopted and incorporated by reference herein.

### **III. Conclusion**

For all of the foregoing reasons, we respectfully submit that the County cannot lawfully approve the SEIR and Project in their current form. The County must start environmental review again and prepare a new EIR for the whole Project, rather than an SEIR for a portion of the Project. But even if the County (unlawfully) elects to proceed via an SEIR, the proposed SEIR is deeply flawed and fails to inform the public of the full impacts of the Project. Before considering this Project further, the County should fully analyze the Project’s numerous significant impacts, develop adequate mitigation measures, and properly analyze a reasonable range of alternatives that would avoid or substantially lessen impacts.

Michael Draper  
August 21, 2019  
Page 25

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Handwritten signature of Amy J. Bricker in blue ink.

Amy J. Bricker

Handwritten signature of Aaron M. Stanton in blue ink.

Aaron M. Stanton

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# **EXHIBIT 1**

# The Sheet

News, Views & Culture of the Eastern Sierra

Saturday, November 5, 2016

FREE

Vol. 14, No. Pedro



Lucy (left) and Molly Jacoby chow down at Dave Easterby's State Farm office on Friday, October 28. For more photos, see p. 12.

## BISHOP GETS EXTRA!

Expanded grocery store is all the rage

By James

Shoppers in Bishop are flocking to the newly renovated and greatly expanded Smart & Final Store in Bishop. All around town people are enthusiastically asking friends if they "have been to the new Smart & Final," and going on about how great it is.

Local competitors are waiting to see what impact the bigger store will have on business, says Manor Market owner Kyle Oney.

The Bishop store, now dubbed a "Smart & Final Extra!" has more options than ever. There is a large dairy and fresh meat section, a greatly expanded liquor section, and most striking is the large produce section and an extensive bulk foods department in which nuts and other dry goods are sold from self-service bins.

The new store's manager said that it will employ approximately 40 employees and are still accepting job applications.

Smart & Final's appeal has always been its low prices on selected items—it has long been the store of choice for operators of small restaurants, catering companies, businesses, clubs and civic organizations looking to buy food products in bulk. It also offers low prices on household goods such as cleaning products. Smart & Final are seen as the preferred location for stocking kitchens and preparing for holidays, parties and events.

The limited selection available at the small store in Bishop also limited the number of shoppers. Local shoppers often prefer neighboring Vons out of convenience for its much larger selection of brand-name foods, even if prices were higher.

Parking at Vons is also much more convenient.

Smart & Final's main competitor in Bishop is Vons, which also made some

see SMART, page 10



PHOTO: JAMES

Sierra Wave's Bill LeFever is about to break character and go nuts at the expanded Smart & Final in Bishop.

## BAD BEARS, WHAT YA GONNA DO?



"Steve Searles" (Hannah DeGoey) arrests a problem bear (Krystle Stewart) on Halloween. Remember, bears are still active at this time of year and are looking to bulk up for winter. Lock up your dumpsters and keep any leftover Halloween candy out of their paws. See more Halloween photos, p. 13.

## NEW POLICIES, OLD SUSPICIONS

LADWP lease changes create anxiety

By Bodine

The Los Angeles Department of Water and Power (LADWP) Board of Commissioners finalized new ranch leases for Inyo County at its October 27 meeting. The leases contain brand new language and policies, including leases being made transferable between family members. However, a lease, typically a five-year agreement, can only be sold to a third party, once.

Once. A rancher could sell his or her lease to another party, but when the new lease is up, it will go out to bid. This leaves little incentive for the lessees to invest in their busi-

ness if they know they won't be able to recoup their capital investments.

The one-time transfer devalues the lease and nullifies investments and improvements (like structures) lessees have put into the property or business.

"If they're not sure they can make their money back on capital improvements there's not much incentive to grow and invest," said Nathan Reade, Inyo-Mono County Agricultural Commissioner.

The one-time transfer appears to be in direct violation of the Charles Brown Act, California Senate Bill 883, that grants existing lessees

right of first refusal before the lease goes out to bid but applies only if an entity owns more than 50 percent of private land in another county.

James Yannotta, Manager of the Aqueduct for LADWP, told The Sheet in an email that LADWP sells and leases City of Los Angeles property located in Inyo County in accordance with the Charles Brown Act, Los Angeles City Charter, and LADWP policies and procedures.

The City of Los Angeles owns about 251,958 acres in Inyo County, or about 89 percent of the private land, and 62,501 acres, or just under

see LEASES, page 8

The sound of music

/p. 11/

Dirt lots

/p. 10/

Some game!

/p. 19/

High on life

/p. 7/

Can't stop progress

/p. 6/

# TIOGA INN IN THE WORKS

After sitting on the shelf for twenty years, plans develop for a hotel at the site of the Tioga Gas Mart

By Rea

When Dennis Domaille bought the property overlooking Mono Lake that eventually became the Tioga Gas Mart, he had plans to build a hotel there, he told The Sheet in July as the Gas Mart (also known as simply "The Mobil") neared its 20th anniversary.

"To make a long story short," he said at the time, "the gas station got built and has turned out to be incredibly successful—to the point that I didn't need to really do any more...development. I had my hands full..."

It seems the time for that development is here after all. Dennis and Jane Domaille submitted a Notice of Preparation to the Mono County Community Development Department on October 21 for the proposed "Tioga Inn," a 120-room hotel with a 200-seat restaurant that will be built adjacent to the current Tioga Gas Mart.

Their application to build the hotel and restaurant was approved in 1993, but they have reworked the design and added a few features in the 20 years since they opened the Tioga Gas Mart.

The proposed acreage of the entire compound is reduced from 73.7 acres (in 1993) to 67.83 acres, but the hotel is now a proposed three stories, as opposed to two stories in 1993.

"My motivation for that is twofold," Dennis Domaille told The Sheet on Wednesday, November 2. "One, a three

story building is more energy efficient. And the other thing is that by making the footprint of the hotel smaller, we maintain views from the gas station... the gas station is probably much more important to the people of the Eastern Sierra than the hotel is," he said with a laugh, referencing the Tioga Gas Mart's iconic views and role as a summer watering hole and music venue for both east and west siders alike.

The Domailles also want to boost the restaurant's capacity from 100 to 200 seats and build up to 80 workforce housing units onsite.

"I hesitate to call it employee housing," Domaille said. "It's just rental housing. But my goal is to make it affordable. Which for single people are small, compact, energy-efficient units so it doesn't cost them a fortune to live there. It seems that's what the kids and the millennials kind of want. They don't want to tie up all their income in rent."

Domaille said that the Tioga Gas Mart currently employs 38 people in the height of summer, and that the hotel is projected to need about 50 employees. He hopes that the Tioga Inn will bring more life to the small, seasonally-booming town of Lee Vining and fill its school with more children whose parents have year-round employment.

A scoping meeting at the Lee Vining

Community Center on October 27 brought about 50 community members out to hear Domaille's proposal, said Janet Carle, co-founder of 350 Mono, a climate change activism group.

"There is a certain amount of concern about whether or not the infrastructure of Lee Vining can handle the impact of the increased visitation," said Ellen King, Membership Coordinator for the Mono Lake Committee. "[There could be] a big jump in the use of water, fire [protection services], and possibly schools and things like that," she told The Sheet on Wednesday. However, she said, "Dennis was very upfront, he was there and spoke at length at the meeting" about the future of the project.

Domaille told The Sheet he's not particularly interested in acting as a hotel operator, and most likely would go through the process of getting the Subsequent Environmental Impact Report (SEIR) approved and then sell the project to the right developer.

Carle told The Sheet that "the community needs to be a watchdog... and say, 'this is what we want,'" regarding the project, especially if it is not being developed by the Domailles themselves.

"Let's make this a project we can all be proud of, that the community can be proud of, that will be a signature project for the eastern Sierra...it's a big deal for the [Mono] Basin especially."

Both Carle and King mentioned the desire to have sustainable components integrated into the facility, such as solar panels and greywater systems. Carle wrote a letter to Gerry LeFrancois, Land Use and Transportation Planner for Mono County, urging that the project be energy efficient and that the proposed workforce housing

be built apartment-style, rather than cabin-style as the current employee dwellings at the Tioga Gas Mart are designed. "The current proposal is for 80 small cabins," Carle wrote. "This is inefficient in a mountain climate with major energy demands for heating in the winter. Two or three apartment-style buildings could be more energy efficient."

She also said that water conservation is of utmost importance. This project should be a showcase for using water wisely," she wrote. "Native, drought-tolerant landscaping throughout this new project is desirable. This is the future."

Domaille told The Sheet that the state of California has come a long way in allowing things like grey water systems (where water draining from sinks and showers can be recycled for underground use in landscaping, for instance) to be used in new projects. Other than in Mammoth, Domaille said, "this is probably the first hotel that will be built in the eastern Sierra in 60 years." California also now has "solar-ready" building requirements for any new nonresidential structures in the state, which require "solar zones" calculated based on the size of buildings. "We would like to see enough solar installation and energy saving design elements to [make the Tioga Inn] a net zero energy user," Carle wrote in her letter.

Domaille told The Sheet that he is currently installing solar panels on the Tioga Gas Mart, and was expecting the panels to be installed before the weekend. He expects that the panels will provide 75-80 percent of the current building's energy needs. "It just makes sense," he said. "Solar technology has just come so far in the last decade."

The comment period for the SEIR for the Tioga Inn runs through November 21. However, LaFrancois told The Sheet that the public will have three more opportunities for public comment.

Public comment can be directed to Mono County c/o Gerry LeFrancois. P.O. Box 347 Mammoth Lakes, CA. 93546. Email: glefrancois@mono.ca.gov.

## MMSO ANNUAL SPORTS SWAP

November 5

Mammoth Middle School • 1600 Meridian Blvd

11am - 2pm

\$10 Family Entry

⇒ MAMMOTH MOUNTAIN confirmed seller ⇐

**\*\*Early Bird Tickets\*\***  
\$20.00  
10:30 am Entry  
LIMITED QUANTITY

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Margie Walters, Owner

# **EXHIBIT 2**

## The Lee Vining Canyon fire

In the morning on May 29, 2000, a wildfire broke out in Lee Vining Canyon, near route 120 to Yosemite. The cause is unknown and under investigation but suspected to be human-caused, possibly a campfire. The fire was not the result of any prescribed burn activity.

No structures were burned, or people injured, but the fire came quite close to the Forest Service Ranger Station and the Tioga Gas Mart and temporarily closed both Highways 120 and 395. Generally, it burned the south moraine slopes in Lee Vining Canyon, going up and over the top to Horse Meadow. It also burned eastward from the moraine crest, and jumped Highway 395, burning a small area east of the highway.

Six hand crews, twelve fire engines, five water tenders, and two helicopters worked to control the fire. Many local

fire agencies were involved in the effort.

Happily, the winds did not push the fire north into Lee Vining, but the fire was only a mile away! Avid Mono Lake WebCam watchers noticed the smoke in Sunday's WebCam images.

The following images were taken the day of the fire. 



Photos by Arya Degenhardt



Photo by Geoffrey McQuilkin

A long-planned expansion project is currently in progress on Highway 395 just south of Lee Vining turning the two-lane section into a four-lane split highway. Although highway expansions have many associated issues, Caltrans' four-lane project will be better than the existing highway for Rush, Walker, Parker, and Lee Vining creeks. The new bridge on Rush Creek (construction shown above) and the culverts on the other streams are designed to improve fish passage and handle higher flows. The Committee is keeping an eye on construction disturbance along the stream banks during the peak flow period this summer. Flows should be relatively low in this just-under-normal year.

### Correction

In the Spring 2000 *Newsletter*, we reported that the Mono Lake Committee had been awarded a \$25,000 grant from the Commission for Environmental Cooperation (CEC) to integrate migratory bird studies with restoration activities in the Mono Basin. In fact, the Committee was awarded \$19,500 from the North American Fund for Environmental Cooperation (NAFEC).

The CEC created NAFEC in 1995 as a means to fund community-based projects in Canada, Mexico and the United States that promote conservation, protection, and enhancement of the North American environment.

Funding from NAFEC and Mono Lake Committee Members' made it possible for the Committee to launch the initial version of the Mono Basin Clearinghouse Website [www.monobasinresearch.org](http://www.monobasinresearch.org). The Clearinghouse is growing into a comprehensive source of scientific and historical information on the Mono Basin.

We thank NAFEC for supporting the Committee's work.

# **EXHIBIT 3**





No Service on Weekends

Home / Routes &amp; Schedule / 395 Routes / Lone Pine to Reno

## Lone Pine to Reno Route

### Schedule: Lone Pine to Reno (northbound route)

Stop	Monday – Friday	Address/Location
Lone Pine	6:15 am Beginning 9/16/2019: 6:10 am	McDonald's (601 S. Main Street)
Independence	6:30 am Beginning 9/16/2019: 6:27 am	In front of Courthouse (168 Edwards Street)
Aberdeen	6:45 am Beginning 9/16/2019: 6:35 am	Aberdeen Store <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Big Pine	7:00 am Beginning 9/16/2019: 6:53 am	Bartel & Newman
Big Pine	7:02 am Beginning 9/16/2019: 6:53 am	Main Street bus shelter
Big Pine	7:05 am Beginning 9/16/2019: 6:53 am	Reynolds Road
Bishop	7:30 am Beginning 9/16/2019: 7:25 am	Vons/Kmart; 1200 N. Main Street
Tom's Place	7:55 am	Bus shelter just west of store/café; 8180 Crowley Lake Pl. <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Crowley Lake	8:05 am	Bus shelter at Community Center; 529 S. Landing Rd.
Mammoth Lakes	8:20 am	<a href="#">Stop 25 just west of Vons</a> (481 Old Mammoth Rd.)
June Lake Junction	8:40 am Beginning 9/16/2019: 8:50 am	Hwy 395 at CA Hwy 158 <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Lee Vining	8:50 am Beginning 9/16/2019: 9:00 am	In front of Caltrans yard, across from Chevron
Bridgeport	9:20 am Beginning 9/16/2019: 9:36 am	121 Emigrant St, (by the park)
Walker	10:00 am Beginning 9/16/2019: 10:12 am	Walker Country Store, 107700 US 395
Coleville	10:05 am Beginning 9/16/2019: 10:15 am	U.S. Post Office <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Gardnerville	10:45 am Beginning 9/16/2019: 10:50 am	Smiths; 1341 US Hwy 395N <i>Stop requires 24 hour advance notice. <a href="tel:7608721901">Call (760) 872-1901</a></i>
Carson City	11:10 am Beginning 9/16/2019: 11:17 am	Hot Springs & Retail/Walmart (JAC Stop): Just west of Walmart (3200 Market Street) <i>As of 2/1/2018</i>
Reno-Tahoe International Airport	12:00 pm	Ground Transportation Area outside Door "D"
Reno/Sparks Greyhound (Centennial Plaza Transit Center)	12:15 pm Beginning 9/16/2019: 12:10 pm	Northwest corner of Victorian Ave. and Victorian Plaza Cir. (1408 Victorian Ave., Sparks, NV) <i>*ESTA bus does NOT stop inside of Centennial Plaza Transit Center. It stops on the North side</i>






Stops marked with a telephone icon require 24-hour advance notice. Please [call \(760\) 872-1901](tel:7608721901) to request this stop.


[REQUEST A RESERVATION](#)

[HOLIDAY SCHEDULE](#)

### Schedule: Reno to Lone Pine (southbound route)

[Translate »](#)

Stop	Monday – Friday	Address/Location
Reno/Sparks Greyhound (Centennial Plaza Transit Center)	1:10 pm Beginning 9/16/2019: 1:30 pm	Northwest corner of Victorian Ave. and Victorian Plaza Cir. (1408 Victorian Ave., Sparks, NV 89701) *ESTA bus does NOT stop inside of Centennial Plaza Transit Center. It stops on the North side
Reno-Tahoe International Airport	1:30 pm Beginning 9/16/2019: 1:40 pm	Ground Transportation Area outside Door "D"
Carson City	2:05 pm Beginning 9/16/2019: 2:15 pm	Hot Springs & Retail/Walmart (JAC Stop): Just west of Walmart (3200 Market Street) <i>As of 2/1/2018</i>
 Gardnerville	2:30 pm Beginning 9/16/2019: 2:45 pm	AM/PM mini-market; 1338 Hwy 395 <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
 Coleville	3:05 pm Beginning 9/16/2019: 3:25 pm	U.S. Post Office <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Walker	3:10 pm Beginning 9/16/2019: 3:30 pm	Walker Country Store, 107700 US 395
Bridgeport	3:55 pm Beginning 9/16/2019: 4:05 pm	121 Emigrant St. (by the park)
Lee Vining	4:25 pm Beginning 9/16/2019: 4:41 pm	In front of Chevron
 June Lake Junction	4:35 pm Beginning 9/16/2019: 4:51 pm	Hwy 395 at CA Hwy 158 <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Mammoth Lakes	5:15 pm	<b>Stop 25 just west of Vons</b> (481 Old Mammoth Rd.)
Crowley Lake	5:30 pm	Bus shelter at Community Center; 529 S. Landing Rd.
 Tom's Place	5:35 pm	Bus shelter just west of store/café; 8180 Crowley Lake Pl. <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Bishop	6:30 pm Beginning 9/16/2019: 6:15 pm	Vons/Kmart; 1200 N. Main Street
Big Pine	6:50 pm Beginning 9/16/2019: 6:30 pm	Main Street bus shelter
 Aberdeen	7:10 pm Beginning 9/16/2019: 6:40 pm	Aberdeen Store <i>Stop requires 24 hour advance notice. <a href="tel:760-872-1901">Call (760) 872-1901</a></i>
Independence	7:25 pm Beginning 9/16/2019: 6:55 pm	In front of Post Office (101 S. Edwards St.)
Lone Pine	7:40 pm Beginning 9/16/2019: 7:15 pm	McDonalds (601 S. Main Street)

 Stops marked with a telephone icon require 24-hour advance notice. Please [call \(760\) 872-1901](tel:760-872-1901) to request this stop.

#### [REQUEST A RESERVATION](#)

#### [HOLIDAY SCHEDULE](#)

#### [BUS FARES](#)

#### CONTACT ESTA

P.O. Box 1357 Bishop, CA 93515  
Toll Free: 1-800-922-1930  
Phone: 760-872-1901  
Fax: 760-784-9566

[Office Locations & Contact Form](#)

[Title VI Program and Civil Rights \(PDF\)](#)

[ADA Paratransit Eligibility Policy \(PDF\) & Paratransit Application \(PDF\)](#)

[ADA Notice Under the Americans with Disabilities Act \(PDF\)](#)

#### RFP'S & ESTA IN THE NEWS

[> FTA 5310 Notice of Public Hearing](#)  
July 24, 2019

[> REDS MEADOW SHUTTLE OPENING – 2019](#)  
June 27, 2019

[> Lakes Basin Trolley begins June 24, 2019](#)  
June 21, 2019

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[> Dial-A-Ride](#)

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# EXHIBIT B

(/) (/)  
(/)

## SIERRA NEVADA RED FOX



Sierra Nevada red foxes are the only red foxes that occur naturally in the high mountain habitats of the Sierra Nevada and southern Cascade mountains of eastern California.

HOME (/) > SPECIES (./././SPECIES/) > MAMMALS (././MAMMALS/) > SIERRA NEVADA  
RED FOX (./SIERRA\_NEVADA\_RED\_FOX/) > SIERRA NEVADA RED FOX

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## SAVING THE SIERRA NEVADA RED FOX

The largest of the true foxes, the red fox is also the most widespread, found across the entire northern hemisphere. But the secretive Sierra Nevada red fox — genetically and geographically distinct from all other red foxes — inhabits remote, high-elevation reaches of the Sierra Nevada and southern Cascade Mountains. Unfortunately, this unique animal is one of the rarest mammals in North America and is now limited to only two tiny California populations that likely consist of fewer than 50 — and possibly even fewer than 20 — individuals.

Already highly vulnerable to extinction due to its perilously small population size and reduced genetic diversity, this fox faces many dire threats to its habitat, including logging, off-road and over-snow vehicles, livestock grazing and fish stocking. The fox is also endangered by climate change, which has already caused hotter and drier conditions in the Sierra Nevada and is projected to shrink the fox's habitat as temperatures warm and push the animal farther up mountain slopes.

To save this imperiled fox before its few remaining individuals are lost, in April 2011 the Center petitioned ([pdfs/FINAL SNRF PETITION.pdf](#)) ([pdfs/SNRF\\_PETITION.pdf](#)) for its protection under the Endangered Species Act. When the U.S. Fish and Wildlife Service failed to protect the fox, we filed a notice of intent to sue ([http://www.biologicaldiversity.org/species/mammals/Sierra\\_Nevada\\_red\\_fox/pdfs/SN\\_Red\\_Fox\\_NOI.pdf](http://www.biologicaldiversity.org/species/mammals/Sierra_Nevada_red_fox/pdfs/SN_Red_Fox_NOI.pdf)) in 2013 — and the same year, we reached a legal agreement ([http://www.biologicaldiversity.org/programs/biodiversity/species\\_agreement/pdfs/Dkt\\_7\\_stip\\_FY\\_2013.pdf](http://www.biologicaldiversity.org/programs/biodiversity/species_agreement/pdfs/Dkt_7_stip_FY_2013.pdf)) requiring the Service to make a decision on protecting the fox by 2015. However, in 2015 the Service added (<https://s3.amazonaws.com/public-inspection.federalregister.gov/2015-25289.pdf>) the Sierra Nevada red fox to a candidate waiting list, where it will languish with no actual protections. We will continue to fight for protections for this rare fox.

---

### KEY DOCUMENTS

2015 wait listed

(<https://s3.amazonaws.com/public-inspection.federalregister.gov/2015-25289.pdf>) 2013 legal agreement on protection decisions for 9 species, including the fox ([http://www.biologicaldiversity.org/programs/biodiversity/species\\_agreement/pdfs/Dkt\\_7\\_stip\\_FY\\_2013.pdf](http://www.biologicaldiversity.org/programs/biodiversity/species_agreement/pdfs/Dkt_7_stip_FY_2013.pdf))

2013 notice of intent to sue ([http://www.biologicaldiversity.org/species/mammals/Sierra\\_Nevada\\_red\\_fox/pdfs/SN\\_Red\\_Fox\\_NOI.pdf](http://www.biologicaldiversity.org/species/mammals/Sierra_Nevada_red_fox/pdfs/SN_Red_Fox_NOI.pdf))

2011 federal Endangered Species Act petition ([pdfs/FINAL SNRF PETITION.pdf](#))

Map: Approximate Historical and Known Current Distribution of the Sierra Nevada Red Fox ([pdfs/Red\\_fox\\_historic2\\_final.pdf](#))

**ENDANGERED SPECIES ACT PROFILE** ([endangered\\_species\\_act\\_profile.html](#))

**ACTION TIMELINE** ([action\\_timeline.html](#))

**NATURAL HISTORY** ([natural\\_history.html](#))

### MEDIA

Press releases ([../news/press\\_releases/search.html?cx=006464995654994533830%3Akwj3rw\\_Inja&cof=FORID%3A11&q=Sierra+Nevada+red+fox](#))

Search our newsroom for the Sierra Nevada red fox ([../news/media-archive/search\\_results.html?cx=006464995654994533830%3Au4kkjgchupg&cof=FORID%3A11&q=Sierra+Nevada+red+fox](#))

## RELATED ISSUES

Saving Mountaintop Species From Warming ([http://www.biologicaldiversity.org/programs/biodiversity/mountaintop\\_species/index.html](http://www.biologicaldiversity.org/programs/biodiversity/mountaintop_species/index.html))

Carnivore Conservation ([http://www.biologicaldiversity.org/campaigns/carnivore\\_conservation/index.html](http://www.biologicaldiversity.org/campaigns/carnivore_conservation/index.html))

Off-road Vehicles

([http://www.biologicaldiversity.org/programs/public\\_lands/off-road\\_vehicles/index.html](http://www.biologicaldiversity.org/programs/public_lands/off-road_vehicles/index.html))

Forests ([http://www.biologicaldiversity.org/programs/public\\_lands/forests/index.html](http://www.biologicaldiversity.org/programs/public_lands/forests/index.html))

Climate Law Institute ([http://www.biologicaldiversity.org/programs/climate\\_law\\_institute/index.html](http://www.biologicaldiversity.org/programs/climate_law_institute/index.html))

The Endangered Species Act (</campaigns/esa/index.html>)

Contact: Tierra Curry (<mailto:tcurry@biologicaldiversity.org>)

Photo of Sierra Nevada red fox courtesy USFWS

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[PHOTO USE \(/photo\\_use/index.html\)](/photo_use/index.html) / [E-MAIL THIS PAGE \(mailto:?SUBJECT=Website%20Recommendation%3A%20Sierra%20Nevada%20red%20fox&BODY=View%20the%20page%20here%3A%20https%3A//www.biologicaldiversity.org/species/mammals/Sierra\\_Nevada\\_red\\_fox/index.html\)](mailto:?SUBJECT=Website%20Recommendation%3A%20Sierra%20Nevada%20red%20fox&BODY=View%20the%20page%20here%3A%20https%3A//www.biologicaldiversity.org/species/mammals/Sierra_Nevada_red_fox/index.html)

# EXHIBIT C

State of California  
 Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Biogeographic Data Branch  
 California Natural Diversity Database (CNDDDB)

**STATE AND FEDERALLY LISTED ENDANGERED AND THREATENED ANIMALS OF CALIFORNIA**

**August 7, 2019**

This document contains a list of animal taxa found within California or off the coast of the State that have been classified as Endangered or Threatened by the California Fish & Game Commission (FGC; state listed) or by the U.S. Secretary of the Interior or the U.S. Secretary of Commerce (federally listed). This list also includes taxa that are official Candidates for state or federal listing, or have been officially Proposed for federal listing, as well as taxa that were once listed but have since been delisted.

State listing is pursuant to the California Endangered Species Act of 1984 (CESA; California Code of Regulations, Title 14, Chapter 6, §§783.0-787.9; Fish and Game Code Chapter 1.5, §§ 2050-2115.5). The designations “Endangered” and “Rare” were first established in 1970 by the original California Endangered Species Act, and taxa with a state list date of June 27, 1971 were protected under this regulation. In 1984, CESA was amended, at which time the “Rare” designation was changed to “Threatened,” and on January 1, 1985, all animal species previously designated as “Rare” were reclassified as “Threatened.” The official California listing of Endangered and Threatened animals is contained in the California Code of Regulations, Title 14, §670.5.

Federal listing is pursuant to the Federal Endangered Species Act of 1973, as amended (16 USC §§1531-1544; 50 CFR §§17.1-17.108). The federal agencies responsible for listing are the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). Prior federal regulations include the Endangered Species Conservation Act of 1969, and the Endangered Species Preservation Act of 1966, under which all species with a federal list date of March 11, 1967 were listed. The official federal listing of Endangered and Threatened animals is published in the Federal Register, 50 CFR §17.11

<b>Abbreviation</b>	<b>Designation</b>	<b>Totals</b>
SE	State Listed - Endangered	49
ST	State Listed - Threatened	40
SC	State Candidate for Listing	8
SCD	State Candidate for Delisting	0
SDR	State Delisted (Recovered)	2
SDE	State Delisted (Extinct)	2
FE	Federally Listed - Endangered	86
FT	Federally Listed - Threatened	41
FPE	Federally Proposed - Endangered	0
FPT	Federally Proposed - Threatened	1
FC	Federal Candidate for Listing	2
FPDE	Federally Proposed for Delisting (currently Endangered)	1
FPDT	Federally Proposed for Delisting (currently Threatened)	1
FDR	Federally Delisted (Recovered)	12
FDE	Federally Delisted (Extinct)	2
# Animal Taxa State-Listed Only (SE, ST, SCD)		39
# Animal Taxa Federally-Listed Only (FE, FPDE, FT, FPDT)		79
# Animal Taxa State- AND Federally-Listed		50
Total # State-Listed Taxa (SE, ST, SCD)		89
Total # Federally-Listed Taxa (FE, FPDE, FT, FPDT)		129
Total Number of Listed Animal Taxa		168

(Totals include subspecies, distinct population segments, and ecologically significant units when listed separately)



Common and scientific names are shown as they are in current usage, typically based on the NatureServe Natural Heritage Network, unless otherwise noted. If current nomenclature differs from that in state and federal listing documents, the nomenclature at the time of listing is provided in the notes. Synonyms, name changes, and other clarifying points are also noted. Where state and federal listings apply to different ranges, subspecies, or populations, each taxa will be listed separately, and statuses that apply to only a portion of the taxon, or that also encompass other taxa, will be shown in parentheses. Where state and federal listings differ in name, but represent the same biological unit, the common name will be listed using the California state listing; the federal name will be listed in the notes.

The “List Date” for final federal listing is the date the listing became effective. This is typically not the date of publication of the rule in the Federal Register; it is usually about 30 days after publication, but may be longer.

If an animal was previously listed and no longer has any listing status, the entry text is grey. If an animal was previously proposed or a candidate for listing, but the listing was not warranted or was revoked, the record has been removed from the table.

For taxa having more than one status entry, the current status is in bold and underlined. All dates are in the “YYYYMMDD” format.

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#### **ABBREVIATIONS**

CCR: California Code of Regulations  
CDFW: California Department of Fish and Wildlife (previously Department of Fish and Game (DFG))  
CESA: California Endangered Species Act  
DPS: Distinct population segment  
ESA: Endangered Species Act (Federal)  
ESU: Evolutionarily significant unit  
FGC: California Fish and Game Commission  
NMFS: National Marine Fisheries Service  
NOAA: National Oceanic and Atmospheric Administration  
USFWS: United States Fish and Wildlife Service

#### **ADDITIONAL RESOURCES**

The California Fish and Game Commission publishes notices relating to changes to Title 14 of the California Code of Regulations: [www.fgc.ca.gov](http://www.fgc.ca.gov)

Title 14 of the California Code of Regulations can be accessed through The Office of Administrative Law: [www.oal.ca.gov](http://www.oal.ca.gov)

The U.S. Fish and Wildlife Service is responsible for protecting Endangered and Threatened species, and conserving candidate species and at-risk species so that ESA listing is not necessary: [www.fws.gov/Endangered](http://www.fws.gov/Endangered)

NOAA’s National Marine Fisheries Service, Office of Protected Resources is responsible for protecting marine mammals and Endangered and Threatened marine life: [www.fisheries.noaa.gov/about/office-protected-resources](http://www.fisheries.noaa.gov/about/office-protected-resources)

State and Federally Listed Endangered and Threatened Animals of California

Last updated 20190807

Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<b>INVERTEBRATES</b>						
<b>GASTROPODA</b>	<b>Snails, slugs, &amp; abalone</b>					
<i>Haliotis cracherodii</i>	Black abalone			FE	20110413 20090213	Listed by NMFS in 2009 and by USFWS in 2011.
<i>Haliotis sorenseni</i>	White abalone			FE	20051116 20010628	Listed by NMFS in 2001 and by USFWS in 2005.
<i>Helminthoglypta walkeriana</i>	Morro shoulderband (=banded dune) snail			FE	19950117	The 2006 five year review should be consulted to better understand the status of this species.
<i>Monadenia infumata setosa</i>	Trinity bristle snail	ST	19801002			Listed by the State of California as <i>Monadenia setosa</i> .
<b>CRUSTACEA - ANOSTRACA</b>	<b>Fairy Shrimp</b>					
<i>Branchinecta conservatio</i>	Conservancy fairy shrimp			FE	19940919	
<i>Branchinecta longiantenna</i>	Longhorn fairy shrimp			FE	19940919	
<i>Branchinecta lynchi</i>	Vernal pool fairy shrimp			FT	19940919	
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp			FE	19970203	
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp			FE	19930803	
<b>CRUSTACEA - NOTOSTRACA</b>	<b>Tadpole shrimp</b>					
<i>Lepidurus packardii</i>	Vernal pool tadpole shrimp			FE	19940919	
<b>CRUSTACEA - DECAPODA</b>	<b>Crayfish &amp; shrimp</b>					
<i>Pacifastacus fortis</i>	Shasta crayfish	SE ST	19880226 19801002	FE	19880930	
<i>Syncaris pacifica</i>	California freshwater shrimp	SE	19801002	FE	19881031	
<b>INSECTA - ORTHOPTERA</b>	<b>Grasshoppers, katydids, &amp; crickets</b>					
<i>Trimerotropis infantilis</i>	Zayante band-winged grasshopper			FE	19970224	
<b>INSECTA - COLEOPTERA</b>	<b>Beetles</b>					
<i>Cicindela ohlone</i>	Ohlone tiger beetle			FE	20011003	
<i>Desmocerus californicus dimorphus</i>	Valley elderberry longhorn beetle			FT	19800915	
<i>Dinacoma caseyi</i>	Casey's June beetle			FE	20111024	
<i>Elaphrus viridis</i>	Delta green ground beetle			FT	19800915	
<i>Polyphylla barbata</i>	Mount Hermon June beetle			FE	19970224	
<b>INSECTA - LEPIDOPTERA</b>	<b>Butterflies &amp; moths</b>					
<i>Apodemia mormo langei</i>	Lange's metalmark butterfly			FE	19760608	
<i>Callophrys mossii bayensis</i>	San Bruno elfin butterfly			FE	19760608	Synonymous with <i>Incisalia fotis bayensis</i> and <i>Callophrys fotis bayensis</i> .
<i>Euphilotes battoides allyni</i>	El Segundo blue butterfly			FE	19760608	

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<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly			FE	19760608	Synonymous with <i>Philotes enoptes smithi</i> and <i>Shijimiaeooides enoptes smithi</i> .
<i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly			FT	19871019	
<i>Euphydryas editha quino</i>	Quino checkerspot butterfly			FE	19970116	Synonymous with <i>Euphydryas editha wrighti</i>
<i>Euproserpinus euterpe</i>	Kern primrose sphinx moth			FT	19800509	
<i>Glaucopsyche lygdamus palosverdesensis</i>	Palos Verdes blue butterfly			FE	19800801	
<i>Lycaena hermes</i>	Hermes copper butterfly			FC	20110414	
<i>Plebejus icarioides missionensis</i>	Mission blue butterfly			FE	19760608	Synonymous with <i>Icaricia icarioides missionensis</i> .
<i>Plebejus idas lotis</i>	Lotis blue butterfly			FE	19760608	Synonymous with <i>Plebejus anna lotis</i> and <i>Lycaeides argyrognomon lotis</i> .
<i>Pseudocopaeodes eunus obscurus</i>	Carson wandering skipper			FE	20020807	
<i>Pyrgus ruralis lagunae</i>	Laguna Mountains skipper			FE	19970116	
<i>Rhaphiomidas terminatus abdominalis</i>	Delhi Sands flower-loving fly			FE	19930923	
<i>Speyeria callippe callippe</i>	Callippe silverspot butterfly			FE	19971205	
<i>Speyeria zerene behrensii</i>	Behren's silverspot butterfly			FE	19971205	
<i>Speyeria zerene hippolyta</i>	Oregon silverspot butterfly			FT	19801015	
<i>Speyeria zerene myrtleae</i>	Myrtle's silverspot butterfly			FE	19920622	The USFWS and others have not yet determined if the taxonomic expansion by Emmel and Emmel (1998) into <i>S. z. myrtleae</i> and <i>S. z. puntareyes</i> is warranted. <i>Speyeria zerene</i> along the coast of Marin and Sonoma counties are Federally Endangered under the subspecies concept in the 1992 listing.
<b>INSECTA - HYMENOPTERA</b>	<b>Ants, bees, &amp; wasps</b>					
<i>Bombus crotchii</i>	Crotch bumble bee	SC	20190618			
<i>Bombus franklini</i>	Franklin's bumble bee	SC	20190618			
<i>Bombus occidentalis</i>	western bumble bee	SC	20190618			
<i>Bombus suckleyi</i>	Suckley's cuckoo bumble bee	SC	20190618			
<b>FISHES</b>						
<b>ACIPENSERIDAE</b>	<b>Sturgeon</b>					
<i>Acipenser medirostris</i>	Green sturgeon [southern DPS]			FT	20060606	Includes all spawning populations south of the Eel River.
<b>CYPRINIDAE</b>	<b>Minnows &amp; carp</b>					
<i>Gila crassicauda</i>	Thicktail chub	<u>SDE</u> SE	19801002 19740110			Extinct
<i>Gila elegans</i>	Bonytail	SE ST	19740110 19710627	FE	19800523	Federal common name: bonytail chub.
<i>Lavinia exilicauda chi</i>	Clear Lake hitch	ST	20140806			

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<i>Ptychocheilus lucius</i>	Colorado pikeminnow	SE	19710627	FE	19670311	
<i>Siphateles bicolor mohavensis</i>	Mohave tui chub	SE	19710627	FE	19701013	Listed by the State of California as <i>Gila bicolor mohavensis</i> .
<i>Siphateles bicolor snyderi</i>	Owens tui chub	SE	19740110	FE	19850904	Listed by the State of California as <i>Gila bicolor snyderi</i> .
<b>CATOSTOMIDAE</b>	<b>Suckers</b>					
<i>Catostomus microps</i>	Modoc sucker	<u>SE</u> ST	19801002 19740110	<u>FDR</u> FE	20160107 19850711	Recovered
<i>Catostomus santaanae</i>	Santa Ana sucker			FT	20000512	Populations in the Los Angeles, San Gabriel, and Santa Ana River basins.
<i>Chasmistes brevirostris</i>	Shortnose sucker	<u>SE</u> ST	19740110 19710627	FE	19880817	
<i>Deltistes luxatus</i>	Lost River sucker	<u>SE</u> ST	19740110 19710627	FE	19880817	
<i>Xyrauchen texanus</i>	Razorback sucker	<u>SE</u> ST	19740110 19710627	FE	19911122	
<b>OSMERIDAE</b>	<b>Smelt</b>					
<i>Hypomesus transpacificus</i>	Delta smelt	<u>SE</u> ST	20100120 19931209	FT	19930305	20161202 USFWS Annual Notification of Findings indicates uplisting to Federally Endangered (original uplisting petition received 20060308) is "warranted-but-precluded," with a Listing Priority Number of 2.
<i>Spirinchus thaleichthys</i>	Longfin smelt	ST	20090405	FC	20120402	Federal candidacy is only for San Francisco Bay-Delta distinct population segment.
<i>Thaleichthys pacificus</i>	Pacific eulachon [southern DPS]			FT	20110413 20100517	Eulachon was listed as Threatened by NMFS in 2010 and by USFWS in 2011.
<b>SALMONIDAE</b>	<b>Trout &amp; salmon</b>					
<i>Oncorhynchus clarkii henshawi</i>	Lahontan cutthroat trout			<u>FT</u> FE	19750716 19701013	Early Federal Register notices spelled " <i>clarkii</i> " with only one "l"
<i>Oncorhynchus clarkii seleniris</i>	Paiute cutthroat trout			<u>FT</u> FE	19750716 19670311	
<i>Oncorhynchus kisutch</i>	Coho salmon [south of Punta Gorda (Humboldt County), California]	SE	20050330	<u>FE</u> FT	20050829 19961130	The Federal listing is for the Central California Coast Coho ESU and includes populations from Punta Gorda south to, and including, the San Lorenzo River as well as populations in tributaries to San Francisco Bay, excluding the Sacramento-San Joaquin River system. Coho south of San Francisco Bay were state listed in 1995. In February 2004 the Fish and Game Commission determined that coho from San Francisco to Punta Gorda should also be listed as Endangered. This change was finalized by the Office of Administrative Law on 20050330. NMFS completed a comprehensive status review in 2005 reaffirming the status, and uplisting the Central Coast ESU from threatened to endangered. NMFS reaffirmed the FE status again 20140723.

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<i>Oncorhynchus kisutch</i>	Coho salmon [from Punta Gorda (Humboldt County), California to the northern border of California]	ST	20050330	FT	19970605	The Federal listing is for the Southern Oregon-Northern California Coast ESU, and includes populations in coastal streams between Cape Blanco, Oregon and Punta Gorda, California. The Fish and Game Commission determined that coho from Punta Gorda to the Oregon border should be listed as Threatened on 20040225. This determination was finalized by the Office of Administrative Law on 20050330. NMFS completed a comprehensive status review 20050829 reaffirming the status.
<i>Oncorhynchus mykiss irideus</i>	Steelhead [Southern California DPS]			FE	19971017	Coastal basins from the Santa Maria River (inclusive), south to the U.S.-Mexico Border. NMFS completed a comprehensive status review 20060206 reaffirming the status.
<i>Oncorhynchus mykiss irideus</i>	Steelhead [South Central California Coast DPS]			FT	19971017	Coastal basins from the Pajaro River (inclusive) south to, but not including, the Santa Maria River. NMFS completed a comprehensive status review 20060206 reaffirming the status.
<i>Oncorhynchus mykiss irideus</i>	Steelhead [California Central Valley DPS]			FT	19980518	The Sacramento and San Joaquin Rivers and their tributaries. NMFS completed a comprehensive status review 20060206 reaffirming the status.
<i>Oncorhynchus mykiss irideus</i>	Steelhead [Central California Coast DPS]			FT	19971017	Coastal streams from the Russian River (inclusive) to Aptos Creek (inclusive), and the drainages of San Francisco, San Pablo, and Suisun Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers; and tributary streams to Suisun Marsh including Suisun Creek, Green Valley Creek, and an unnamed tributary to Cordelia Slough (commonly referred to as Red Top Creek), exclusive of the Sacramento-San Joaquin River Basin of the California Central Valley. NMFS completed a comprehensive status review 20060206 reaffirming the status.
<i>Oncorhynchus mykiss irideus</i>	Steelhead [Northern California DPS]			FT	20000807	Naturally spawned populations residing below impassable barriers in coastal basins from Redwood Creek in Humboldt County to, and including, the Gualala River in Mendocino County. NMFS completed a comprehensive status review 20060206 reaffirming the status.

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<i>Oncorhynchus mykiss irideus</i>	Steelhead [summer-run]	SC	20190618			CNDDDB-tracked taxa includes northern California coastal streams south to Middle Fork Eel River, within range of Klamath Mountains Province DPS and Northern California DPS. Proposed CESA listing status applies only to Northern California DPS summer-run steelhead.
<i>Oncorhynchus mykiss whitei</i>	Little Kern golden trout			FT	19780515	Originally listed as <i>Salmo aguabonita whitei</i> . The genus <i>Salmo</i> was reclassified as <i>Oncorhynchus</i> changing the name to <i>Oncorhynchus aguabonita whitei</i> . However, recent studies indicate this is a subspecies of rainbow trout, therefore <i>Oncorhynchus mykiss whitei</i> .
<i>Oncorhynchus tshawytscha</i>	Chinook salmon [winter run]	SE	19890922	<del>FE</del> FT	19940323 19901130	The federal designation is for the Sacramento River winter-run ESU, and described as winter-run populations in the Sacramento River and its tributaries in California. NMFS completed a comprehensive status review 20050829 reaffirming the status.
<i>Oncorhynchus tshawytscha</i>	Chinook salmon [Upper Klamath-Trinity River Spring ESU]	SC	20190212			Spring-run Chinook salmon in the Trinity River and the Klamath River upstream of the mouth of the Trinity River.
<i>Oncorhynchus tshawytscha</i>	Chinook salmon [California Coastal ESU]			FT	19991115	Rivers and streams south of the Klamath River to the Russian River. NMFS completed a comprehensive status review 20050829 reaffirming the status.
<i>Oncorhynchus tshawytscha</i>	Chinook salmon [spring-run of the Sacramento River drainage]	ST	19990205	FT	19991115	The State listing is for "Spring-run chinook salmon ( <i>Oncorhynchus tshawytscha</i> ) of the Sacramento River drainage." The Federal listing is for the Central Valley spring-run ESU, and includes populations of spring-run Chinook salmon in the Sacramento River and its tributaries including the Feather River. NMFS completed a comprehensive status review 20050829 reaffirming the status.
<i>Salvelinus confluentus</i>	Bull trout	SE	19801002	FT	19991201	Considered to be extirpated in California.
<b>CYPRINODONTIDAE</b>	<b>Killifishes</b>					
<i>Cyprinodon macularius</i>	Desert pupfish	SE	19801002	FE	19860430	
<i>Cyprinodon nevadensis calidae</i>	Tecopa pupfish	<del>SDE</del> SE	19870609 19710627	<del>FDE</del> FE	19820216 19701013	Extinct
<i>Cyprinodon radiosus</i>	Owens pupfish	SE	19710627	FE	19670311	
<i>Cyprinodon salinus milleri</i>	Cottonball Marsh pupfish	ST	19740110			
<b>GASTEROSTEIDAE</b>	<b>Sticklebacks</b>					
<i>Gasterosteus aculeatus williamsoni</i>	Unarmored threespine stickleback	SE	19710627	FE	19701013	
<b>COTTIDAE</b>	<b>Sculpins</b>					

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<i>Cottus asperimus</i>	Rough sculpin	ST	19740110			
<b>GOBIIDAE</b>	<b>Gobies</b>					
<i>Eucyclogobius newberryi</i>	Tidewater goby			FE	19940307	See Federal Register 79(49):14340-14362, 20140313, for down-listing proposed rule.
<b>AMPHIBIANS</b>						
<b>AMBYSTOMATIDAE</b>	<b>Mole salamanders</b>					
<i>Ambystoma californiense</i>	California tiger salamander	ST	20100819	(FE), (FT)		The State listing applies to the species as a whole throughout its range; federal statuses apply to Distinct Population Segments (see below).
<i>Ambystoma californiense</i>	California tiger salamander [Central California DPS]	(ST)		FT	20040903	The 2004 federal Threatened status originally applied to the species throughout its range; subsequent legal action resulted in reclassification of other DPSs to Endangered; the central California DPS remained listed as Threatened.
<i>Ambystoma californiense</i>	California tiger salamander [Santa Barbara County DPS]	(ST)		FE	20000915	In 2004 the California tiger salamander was federally listed as Threatened statewide. The Santa Barbara County and Sonoma County Distinct Vertebrate Population Segments (DPS), formerly listed as Endangered, were reclassified to Threatened. On 20050819 U.S. District court vacated the down-listing of the Sonoma and Santa Barbara populations from Endangered to Threatened. Therefore, the Sonoma & Santa Barbara populations were once again listed as Endangered.
<i>Ambystoma californiense</i>	California tiger salamander [Sonoma County DPS]	(ST)		FE	20030319	In 2004 the California tiger salamander was federally listed as Threatened statewide. The Santa Barbara County and Sonoma County Distinct Vertebrate Population Segments (DPS), formerly listed as Endangered, were reclassified to Threatened. On 20050819 U.S. District court vacated the down-listing of the Sonoma and Santa Barbara populations from Endangered to Threatened. Therefore, the Sonoma & Santa Barbara populations were once again listed as Endangered.
<i>Ambystoma macrodactylum croceum</i>	Santa Cruz long-toed salamander	SE	19710627	FE	19670311	
<b>PLETHODONTIDAE</b>	<b>Lungless salamanders</b>					
<i>Batrachoseps major aridus</i>	Desert slender salamander	SE	19710627	FE	19730604	Listed by the State of California as <i>Batrachoseps aridus</i> and originally listed by the USFWS as <i>B. aridus</i> . USFWS 5-year review refers to <i>B. major aridus</i> .

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<i>Batrachoseps simatus</i>	Kern Canyon slender salamander	ST	19710627			
<i>Batrachoseps stebbinsi</i>	Tehachapi slender salamander	ST	19710627			
<i>Hydromantes shastae</i>	Shasta salamander	ST	19710627			
<i>Hydromantes brunus</i>	Limestone salamander	ST	19710627			
<i>Plethodon asupak</i>	Scott Bar salamander	ST	19710627			As recognized by the FGC, the Scott Bar salamander is currently protected under the CESA as a sub-population of the Siskiyou Mountains salamander ( <i>Plethodon stormi</i> ) (Calif. Regulatory Notice Register, No. 21-Z, p. 916, 20070525).
<i>Plethodon stormi</i>	Siskiyou Mountains salamander	ST	19710627			The common name is spelled incorrectly in Title 14 of the CCR as "Siskiyou mountain salamander." Was a State Candidate for Delisting on 20050930. No action was taken by the FGC after the CDFW presented a Department report on 20061103; SMS was tabled at the 20070503 FGC meeting, and there was nothing to report regarding the Department's environmental documents at the 20071011 meeting. Therefore, with respect to Fish & Game Code 2075, it is assumed that this is no longer a candidate for delisting.
<b>BUFONIDAE</b>	<b>True toads</b>					
<i>Anaxyrus californicus</i>	Arroyo toad			FE	19950117	At the time of listing, arroyo toad was known as <i>Bufo microscaphus californicus</i> , a subspecies of southwestern toad. In 2001, it was determined to be its own species, <i>Bufo californicus</i> . Since then, many species in the genus <i>Bufo</i> were changed to the genus <i>Anaxyrus</i> , and now arroyo toad is known as <i>Anaxyrus californicus</i> .
<i>Anaxyrus canorus</i>	Yosemite toad			FT	20140630	
<i>Anaxyrus exsul</i>	Black toad	ST	19710627			Listed by the State of California as <i>Bufo exsul</i> .
<b>RANIDAE</b>	<b>True frogs</b>					
<i>Rana boylei</i>	Foothill yellow-legged frog	SC	20170627			Date of FGC vote to advance to candidacy was 20170621.
<i>Rana cascadae</i>	Cascades frog	SC	20171017			Date of FGC vote to advance to candidacy was 20171011.
<i>Rana draytonii</i>	California red-legged frog			FT	19960624	Synonymous with <i>Rana aurora draytonii</i> .



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<i>Rana muscosa</i>	Southern mountain yellow-legged frog	SE	20130401	(FE)		Though the scientific name <i>Rana muscosa</i> is not disputed, the State uses this common name, whereas the USFWS listing refers to two distinct population segments. This species is also known by the common name Sierra Madre yellow-legged frog (Vredenburg et al. 2007).
<i>Rana muscosa</i>	Mountain yellow-legged frog [Southern California DPS]	(SE)		FE	20020801	San Gabriel, San Jacinto, and San Bernardino Mountains only.
<i>Rana muscosa</i>	Mountain yellow-legged frog [Northern California DPS]	(SE)		FE	20140630	North of the Tehachapi Mountains from the Monarch Divide to portions of the Kern River drainage.
<i>Rana pretiosa</i>	Oregon spotted frog			FT	20140929	
<i>Rana sierrae</i>	Sierra Nevada yellow-legged frog	ST	20130401	FE	20140630	
<b>REPTILES</b>						
<b>CHELONIIDAE</b>	<b>Sea turtles</b>					
<i>Caretta caretta</i>	Loggerhead sea turtle [North Pacific DPS]			<u>FE</u> FT	20111024 19780728	The 1978 listing was for the worldwide range of the species. The 20111024 final rule is for the North Pacific DPS (north of the equator & south of 60 degrees north latitude).
<i>Chelonia mydas</i>	Green turtle			<u>FT</u> FT FE	20160506 19780728 19701013	Alternate common name: green sea turtle. Current FT status refers to East Pacific DPS.
<i>Lepidochelys olivacea</i>	Olive (=Pacific) ridley sea turtle			FT	19780728	
<b>DERMOCHELYIDAE</b>	<b>Leatherback turtles</b>					
<i>Dermochelys coriacea</i>	Leatherback sea turtle			FE	19700602	
<b>TESTUDINIDAE</b>	<b>Land tortoises</b>					
<i>Gopherus agassizii</i>	Desert tortoise	ST	19890803	FT	19900402	
<b>GEKKONIDAE</b>	<b>Geckos</b>					
<i>Coleonyx switaki</i>	Barefoot gecko	ST	19801002			Alternate common names: Switak's banded gecko, barefoot banded gecko.
<b>CROTAPHYTIDAE</b>	<b>Collared &amp; leopard lizards</b>					
<i>Gambelia sila</i>	Blunt-nosed leopard lizard	SE	19710627	FE	19670311	Synonymous with <i>Gambelia silus</i> . Originally listed under the ESA as <i>Crotaphytus wislizenii silus</i> .
<b>PHRYNOSOMATIDAE</b>	<b>Spiny lizards</b>					
<i>Uma inornata</i>	Coachella Valley fringe-toed lizard	SE	19801002	FT	19801027	
<b>XANTUSIIDAE</b>	<b>Night lizards</b>					
<i>Xantusia riversiana</i>	Island night lizard			<u>FDR</u> FT	20140501 19770811	Recovered
<b>BOIDAE</b>	<b>Boas</b>					
<i>Charina umbratica</i>	Southern rubber boa	ST	19710627			Synonymous with <i>Charina bottae umbratica</i> .
<b>COLUBRIDAE</b>	<b>Egg-laying snakes</b>					

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<i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake	ST	19710627	FT	19971205	Synonymous with <i>Coluber lateralis euryxanthus</i> .
<b>NATRICIDAE</b>	<b>Live-bearing snakes</b>					
<i>Thamnophis gigas</i>	Giant garter snake	ST	19710627	FT	19931119	Listed by State of California as <i>Thamnophis couchi gigas</i> .
<i>Thamnophis sirtalis tetrataenia</i>	San Francisco garter snake	SE	19710627	FE	19670311	
<b>BIRDS</b>						
<b>ANATIDAE</b>	<b>Ducks, geese, &amp; swans</b>					
<i>Branta hutchinsii leucopareia</i>	Cackling (=Aleutian Canada) goose			<u>FDR</u> FT FE	20010320 19910111 19670311	Recovered. At time of federal listing, known as <i>Branta canadensis leucopareia</i> .
<b>DIOMEDEIDAE</b>	<b>Albatross</b>					
<i>Phoebastria albatrus</i>	Short-tailed albatross			<u>FE</u> FE	20000830 19700602	Synonymous with <i>Diomedea albatrus</i> . Listed as Endangered in one of the original species lists, but "due to an inadvertent oversight" when the 1973 ESA repealed the 1969 Act, short-tailed albatross was effectively delisted. Proposed listing to fix this error in 1980, with final rule in 2000.
<b>PELECANIIDAE</b>	<b>Pelicans</b>					
<i>Pelecanus occidentalis californicus</i>	California brown pelican	<u>SDR</u> SE	20090603 19710627	<u>FDR</u> FE	20091217 19701013	Recovered. Federal nomenclature: Brown pelican ( <i>Pelecanus occidentalis</i> ).
<b>CATHARTIDAE</b>	<b>New World vultures</b>					
<i>Gymnogyps californianus</i>	California condor	SE	19710627	FE	19670311	
<b>ACCIPITRIDAE</b>	<b>Hawks, kites, harriers, &amp; eagles</b>					
<i>Buteo swainsoni</i>	Swainson's hawk	ST	19830417			
<i>Haliaeetus leucocephalus</i>	Bald eagle	<u>SE</u> (rev) SE	19801002 19710627	<u>FDR</u> FT FE (rev) FE	20070808 19950811 19780316 19670311	The Post-delisting Monitoring Plan will monitor the status of the bald eagle over a 20 year period with sampling events held once every 5 years.
<b>FALCONIDAE</b>	<b>Falcons</b>					
<i>Falco peregrinus anatum</i>	American peregrine falcon	<u>SDR</u> SE	20091104 19710627	<u>FDR</u> FE	19990825 19700602	Recovered
<i>Falco peregrinus tundrius</i>	Arctic peregrine falcon			<u>FDR</u> FT FE	19941005 19840419 19700602	Recovered
<b>RALLIDAE</b>	<b>Rails, coots, &amp; gallinules</b>					
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST	19710627			
<i>Rallus obsoletus levipes</i>	Light-footed Ridgway's rail	SE	19710627	FE	19701013	Formerly light-footed clapper rail, <i>Rallus longirostris levipes</i>
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail	SE	19710627	FE	19701013	Formerly California clapper rail, <i>Rallus longirostris obsoletus</i>
<i>Rallus obsoletus yumanensis</i>	Yuma Ridgway's rail	<u>ST</u> SE	19780222 19710627	FE	19670311	Formerly Yuma clapper rail, <i>Rallus longirostris yumanensis</i>
<b>GRUIDAE</b>	<b>Cranes</b>					
<i>Grus canadensis tabida</i>	Greater sandhill crane	ST	19830417			
<b>CHARADRIIDAE</b>	<b>Plovers &amp; relatives</b>					

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Last updated 20190807

Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<i>Charadrius nivosus nivosus</i>	Western snowy plover			FT	19930405	Synonymous with <i>Charadrius alexandrinus nivosus</i> . Federal status applies only to the Pacific coastal population.
<b>LARIDAE</b>	<b>Gulls &amp; terns</b>					
<i>Sternula antillarum browni</i>	California least tern	SE	19710627	FE	19700602	Listed by the State of California and federal government as <i>Sterna antillarum browni</i> .
<b>ALCIDAE</b>	<b>Auklets, puffins, &amp; relatives</b>					
<i>Brachyramphus marmoratus</i>	Marbled murrelet	SE	19920312	FT	19920928	
<i>Synthliboramphus scrippsi</i>	Scripps's murrelet (=Xantus's murrelet)	ST	20041222			At the time of listing, this species was known as the Xantus's Murrelet ( <i>Synthliboramphus hypoleucus</i> , with California breeding populations ascribed to <i>Synthliboramphus hypoleucus subsp. scrippsi</i> ).
<i>Synthliboramphus hypoleucus</i>	Guadalupe murrelet (=Xantus's murrelet)	ST	20041222			At the time of listing, this species was known as the Xantus's Murrelet ( <i>Synthliboramphus hypoleucus</i> , with breeding populations from Baja California ascribed to <i>Synthliboramphus hypoleucus subsp. hypoleucus</i> ).
<b>CUCULIDAE</b>	<b>Cuckoos &amp; relatives</b>					
<i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	SE ST	19880326 19710627	FT	20141103	Federal listing is for the Western DPS of <i>Coccyzus americanus</i> .
<b>STRIGIDAE</b>	<b>Owls</b>					
<i>Micrathene whitneyi</i>	Elf owl	SE	19801002			
<i>Strix nebulosa</i>	Great gray owl	SE	19801002			
<i>Strix occidentalis caurina</i>	Northern spotted owl	ST	20190318	FT	19900723	
<b>PICIDAE</b>	<b>Woodpeckers</b>					
<i>Colaptes chrysoides</i>	Gilded (=Gilded northern) flicker	SE	19880317			Listed by the State of California as <i>Colaptes auratus chrysoides</i> .
<i>Melanerpes uropygialis</i>	Gila woodpecker	SE	19880317			
<b>TYRANNIDAE</b>	<b>Tyrant flycatchers</b>					
<i>Empidonax traillii</i>	Willow flycatcher	SE	19910102			State listing includes all subspecies.
<i>Empidonax traillii extimus</i>	Southwestern willow flycatcher	(SE)		FE	19950329	
<b>LANIIDAE</b>	<b>Shrikes</b>					
<i>Lanius ludovicianus mearnsi</i>	San Clemente loggerhead shrike			FE	19770912	
<b>VIREONIDAE</b>	<b>Vireos</b>					
<i>Vireo bellii arizonae</i>	Arizona Bell's vireo	SE	19880317			
<i>Vireo bellii pusillus</i>	Least Bell's vireo	SE	19801002	FE	19860602	
<b>HIRUNDINIDAE</b>	<b>Swallows</b>					
<i>Riparia riparia</i>	Bank swallow	ST	19890611			
<b>POLIOPTILIDAE</b>	<b>Gnatcatchers</b>					
<i>Polioptila californica californica</i>	Coastal California gnatcatcher			FT	19930330	
<b>EMBERIZIDAE</b>	<b>Sparrows, buntings, warblers, &amp; relatives</b>					

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Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<i>Artemisiospiza belli clementeae</i>	San Clemente sage sparrow			FT	19770912	Federal nomenclature at time of listing: <i>Amphispiza belli clementeae</i> .
<i>Melospiza melodia graminea</i>	Santa Barbara song sparrow			FDE FE	19831012 19730604	Extinct. This status refers specifically to the Santa Barbara song sparrow, which was later reclassified as a subspecies (Channel Islands song sparrow) with the same scientific name, but which also combined two additional groups formerly classified as their own subspecies.
<i>Melozone crissalis eremophilus</i>	Inyo California towhee	SE	19801002	FPD FT	20131104 19870902	Listed by the State of California and federal government as <i>Pipilo crissalis eremophilus</i> .
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	SE	19740110			Listed by the State of California as <i>Passerculus sandwichensis beldingii</i>
<b>ICTERIDAE</b>	<b>Blackbirds</b>					
<i>Agelaius tricolor</i>	Tricolored blackbird	ST	20190318			
<b>MAMMALS</b>						
<b>SORICIDAE</b>	<b>Shrews</b>					
<i>Sorex ornatus relictus</i>	Buena Vista Lake ornate shrew			FE	20020405	
<b>PHYLLOSTOMIDAE</b>	<b>Leaf-nosed bats</b>					
<i>Leptonycteris yerbabuenae</i>	Lesser long-nosed bat			FDR FE	20180518 19881031	Recovered.
<b>LEPORIDAE</b>	<b>Rabbits &amp; hares</b>					
<i>Sylvilagus bachmani riparius</i>	Riparian brush rabbit	SE	19940529	FE	20000324	
<b>APLODONTIDAE</b>	<b>Mountain beavers</b>					
<i>Aplodontia rufa nigra</i>	Point Arena mountain beaver			FE	19911212	
<b>SCIURIDAE</b>	<b>Squirrels &amp; relatives</b>					
<i>Ammospermophilus nelsoni</i>	Nelson's (=San Joaquin) antelope squirrel	ST	19801002			
<i>Xerospermophilus mohavensis</i>	Mohave ground squirrel	ST	19710627			Listed by the State of California as <i>Spermophilus mohavensis</i> .
<b>HETEROMYIDAE</b>	<b>Kangaroo rats, pocket mice, &amp; kangaroo mice</b>					
<i>Dipodomys heermanni morroensis</i>	Morro Bay kangaroo rat	SE	19710627	FE	19701013	
<i>Dipodomys ingens</i>	Giant kangaroo rat	SE	19801002	FE	19870105	
<i>Dipodomys merriami parvus</i>	San Bernardino kangaroo rat			FE	19980924	Federal nomenclature: San Bernardino Merriam's kangaroo rat.
<i>Dipodomys nitratoides exilis</i>	Fresno kangaroo rat	SE ST	19801002 19710627	FE	19850301	
<i>Dipodomys nitratoides nitratoides</i>	Tipton kangaroo rat	SE	19890611	FE	19880808	
<i>Dipodomys stephensi</i>	Stephens' kangaroo rat	ST	19710627	FE	19881031	
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse			FE	19940926	
<b>MURIDAE</b>	<b>Mice, rats, &amp; voles</b>					

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Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<i>Microtus californicus scirpensis</i>	Amargosa vole	SE	19801002	FE	19841217	
<i>Neotoma fuscipes riparia</i>	Riparian woodrat			FE	20000324	
<i>Reithrodontomys raviventris</i>	Salt-marsh harvest mouse	SE	19710627	FE	19701013	
<b>CANIDAE</b>	<b>Foxes, wolves, &amp; coyotes</b>					
<i>Canis lupus</i>	Gray wolf	SE	20170101	FPD <b>FE</b>	20130613 19780410	
<i>Urocyon littoralis</i>	Island fox	ST	19710627	(FE)		State listing includes all 6 subspecies on all 6 islands. Federal listing is for only 4 subspecies on 4 islands.
<i>Urocyon littoralis catalinae</i>	Santa Catalina Island Fox	(ST)		<b>FT</b> FE	20160912 20040405	
<i>Urocyon littoralis littoralis</i>	San Miguel Island Fox	(ST)		<b>FDR</b> FE	20160912 20040405	
<i>Urocyon littoralis santacruzae</i>	Santa Cruz Island Fox	(ST)		<b>FDR</b> FE	20160216 20040405	
<i>Urocyon littoralis santarosae</i>	Santa Rosa Island Fox	(ST)		<b>FDR</b> FE	20160216 20040405	
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	ST	19710627	FE	19670311	
<i>Vulpes vulpes necator</i>	Sierra Nevada red fox	ST	19801002			
<b>MUSTELIDAE</b>	<b>Weasels &amp; relatives</b>					
<i>Enhydra lutris nereis</i>	Southern sea otter			FT	19770114	
<i>Gulo gulo</i>	North American wolverine	ST	19710627	FPT	20130204	Listed by the State of California as <i>Gulo gulo</i> . Federal proposed listing is for the distinct population segment of the North American wolverine ( <i>Gulo gulo luscus</i> ) occurring in the contiguous U.S. Federal List Date refers to the original date proposed for listing. A USFWS ruling withdrawing the proposed listing on 20140813 was ordered to be revisited under a US District Court Ruling on 20160404.
<i>Martes caurina humboldtensis</i>	Humboldt (=Coastal) marten	SE	20190318			
<i>Pekania [=Martes] pennanti</i>	Pacific fisher [Southern Sierra Nevada ESU]	ST	20190318			California listing is under <i>Martes pennanti</i> and common name Pacific fisher, whereas the USFWS refers to <i>Martes pennanti</i> and common name fisher. Previous USFWS candidacy referred to the West Coast DPS in California, Oregon, and Washington. On 20190318, the Southern Sierra ESU (defined as California south of the Merced River) was officially listed as Threatened under CESA.
<b>OTARIIDAE</b>	<b>Sea lions &amp; fur seals</b>					
<i>Arctocephalus townsendi</i>	Guadalupe fur seal	ST	19710627	<b>FT</b> FE	19860115 19670311	Not currently tracked by CNDDDB.

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Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<i>Eumetopias jubatus</i>	Steller sea lion [Eastern DPS]			<u>FDR</u> FT	20131204 19970604	Recovered. Delisted by NMFS. On 19901204, the Steller sea lion was listed as federally Threatened throughout its entire range. In 1997, NMFS reclassified Steller sea lions into two distinct population segments: the Western DPS (west of 144 degrees longitude) was listed as Endangered; the Eastern DPS (east of 144 degrees longitude) was listed as Threatened, and subsequently delisted in 2013.
<b>BOVIDAE</b>	<b>Sheep &amp; relatives</b>					
<i>Ovis canadensis nelsoni</i>	Peninsular bighorn sheep [Peninsular CA DPS]	ST	19710627	FE	19980318	Listed by the State of California as <i>Ovis canadensis cremnobates</i> . The subspecies <i>O.c. cremnobates</i> has been synonymized with <i>O.c. nelsoni</i> . The desert bighorn sheep in the Peninsular Ranges, the Peninsular bighorn sheep, is now considered to be a Distinct Population Segment of <i>O.c. nelsoni</i> .
<i>Ovis canadensis sierrae</i>	Sierra Nevada (= California) bighorn sheep	<u>SE</u> ST	19990827 19710627	FE	20000103	Listed by the State of California as California bighorn sheep ( <i>Ovis canadensis californiana</i> ).
<b>CETACEA</b>	<b>Whales &amp; dolphins</b>					
<i>Balaenoptera borealis</i>	Sei whale			FE	19700602	Not currently tracked by CNDDDB.
<i>Balaenoptera musculus</i>	Blue whale			FE	19700602	Not currently tracked by CNDDDB.
<i>Balaenoptera physalus</i>	Fin whale			FE	19700602	Not currently tracked by CNDDDB.
<i>Eubalaena japonica</i>	North Pacific right whale			<u>FE</u> FE	20080407 19700602	Originally listed as part of the northern right whale ( <i>Eubalaena glacialis</i> ) species concept under the federal ESA. Taxonomy and nomenclature were updated and clarified in the Federal Register Vol. 68, No. 69, 20030410. In 2006, NMFS completed a status review of right whales in the N. Pacific and N. Atlantic Oceans and in 2008, reclassified the previously Endangered northern right whale ( <i>Eubalaena</i> spp.) as two separate Endangered species: North Pacific right whale ( <i>E. japonica</i> ) and North Atlantic right whale ( <i>E. glacialis</i> ). Not currently tracked by CNDDDB.
<i>Eschrichtius robustus</i>	Gray whale [Eastern North Pacific DPS]			<u>FDR</u> FE	19940616 19700602	Recovered. NMFS delisted the California population (Eastern North Pacific DPS), while keeping the Western North Pacific DPS as Endangered.

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Taxon	Common Name	State Status	State List Date	Federal Status	Federal List Date	Notes
<i>Megaptera novaeangliae</i>	Humpback whale [Central America DPS]			<u>FE</u> FE	20161011 19700602	Also known as Hump-backed whale. 2016 ruling by NMFS established 14 Distinct Population Segments, and revised listing status by DPS. Both the Mexico DPS and Central America DPS feed and travel off the coast of California. Not currently tracked by CNDDDB.
<i>Megaptera novaeangliae</i>	Humpback whale [Mexico DPS]			<u>FT</u> FE	20161011 19700602	Also known as Hump-backed whale. 2016 ruling by NMFS established 14 Distinct Population Segments, and revised listing status by DPS. Both the Mexico DPS and Central America DPS feed and travel off the coast of California. Not currently tracked by CNDDDB.
<i>Orcinus orca</i>	Killer whale [Southern Resident DPS]			FE	20070404 20060216	The Southern Resident DPS of killer whale was listed as Endangered by NMFS on 20060216 and by USFWS on 20070404. Not currently tracked by CNDDDB.
<i>Physeter macrocephalus</i>	Sperm whale			FE	19700602	Federal nomenclature at time of listing: <i>Physeter catodon</i> . Not currently tracked by CNDDDB.

# EXHIBIT D



(6) Pay for the cost of the NSCHC. Unless specifically approved by CNCS under 2540.207, the person who is serving in the covered position may not be charged for the cost of any component of a National Service Criminal History Check.

(b) CNCS-approved vendors may facilitate obtaining and documenting the requirements of paragraphs (a)(1) through (5) of this section.

■ 11. Revise § 2540.207 to read as follows:

**§ 2540.207 Waiver.**

CNCS may waive provisions of sections 2540.200–.206 for good cause, or for any other lawful basis. To request a waiver, submit a written request to NSCHC Waiver Requests, 250 E Street SW, Washington, DC 20525, or send your request to [NSCHCWaiverRequest@cns.gov](mailto:NSCHCWaiverRequest@cns.gov).

Dated: December 31, 2019.

**Timothy Noelker,**  
*General Counsel.*

[FR Doc. 2019–28489 Filed 1–7–20; 8:45 am]

**BILLING CODE 6050–28–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

[Docket No. FWS–R8–ES–2019–0006;  
 4500030113]

**RIN 1018–BC62**

**Endangered and Threatened Wildlife and Plants; Endangered Status for the Sierra Nevada Distinct Population Segment of the Sierra Nevada Red Fox**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list the Sierra Nevada Distinct Population Segment (DPS) of the Sierra Nevada red fox (*Vulpes vulpes necator*) as an endangered species under the Endangered Species Act (Act). This DPS of the Sierra Nevada red fox occurs along the highest elevations of the Sierra Nevada mountain range in California. If we finalize this rule as proposed, it would extend the Act’s protections to this DPS. The effect of this rule will be to add this DPS to the List of Endangered and Threatened Wildlife.

**DATES:** We will accept comments received or postmarked on or before March 9, 2020. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**

below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by February 24, 2020.

**ADDRESSES:** You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS–R8–ES–2019–0006, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment Now!”

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2019–0006, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Norris, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, California 95825; telephone 916–414–6700. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**Executive Summary**

*Why we need to publish a rule.* Under the Act, if we determine that a species may be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposal in the **Federal Register** and make a determination on our proposal within 1 year. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designation of critical habitat can only be completed by issuing a rule.

*What this proposed rule does.* This document proposes listing the Sierra Nevada DPS of the Sierra Nevada red fox (*Vulpes vulpes necator*; hereafter referred to as the Sierra Nevada red fox)

as an endangered species; we determined that designating critical habitat is not prudent. The Sierra Nevada red fox is a candidate species for which we have on file sufficient information on biological vulnerability and threats to support preparation of a listing proposal, but for which development of a listing rule was previously precluded by other higher priority listing activities. This proposed rule reassesses (since the 2015 12-month finding (October 8, 2015, 80 FR 60990)) the best available information regarding the status of and threats to the Sierra Nevada red fox.

*The basis for our action.* Under the Act, we can determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. The Sierra Nevada red fox faces the following threats: (1) Deleterious impacts associated with small population size, such as inbreeding depression and reduced genomic integrity (Factor E); (2) hybridization with nonnative red fox (Factor E); and possibly (3) reduced prey availability and competition with coyotes (Factor E) resulting from reduced snowpack levels. Existing regulatory mechanisms and conservation efforts do not address the threats to the Sierra Nevada red fox to the extent that listing the DPS is not warranted.

*Peer review.* In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270) and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of five appropriate specialists regarding the Species Status Assessment (SSA) report, which informed the listing portion of this proposed rule. The purpose of peer review is to ensure that our listing and critical habitat determinations are based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in red fox biology, habitat, and stressors to the species. We received responses from two of the five peer reviewers, which we took into account in our SSA report and this proposed rule.

## Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. We particularly seek comments concerning:

(1) The Sierra Nevada red fox's biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Factors that may affect the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this DPS and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution, and population size of this DPS, including the locations of any additional populations of the Sierra Nevada red fox.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made "solely on the basis of the best scientific and commercial data available."

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send

comments only by the methods described in **ADDRESSES**.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. All comments submitted electronically via <http://www.regulations.gov> will be presented on the website in their entirety as submitted. For comments submitted via hard copy, we will post your entire comment—including your personal identifying information—on <http://www.regulations.gov>. You may request at the top of your document that we withhold personal information such as your street address, phone number, or email address from public review; however, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

## Public Hearings

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests for public hearings must be received by the date specified in **DATES** at the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

## Species Status Assessment

A team of biologists prepared an SSA report for the Sierra Nevada red fox. The SSA team was composed of Service biologists, in consultation with other species experts, including coordination with the California Department of Fish and Wildlife (CDFW). The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the Sierra Nevada red fox, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species. The SSA report underwent independent peer review by scientists with expertise in red fox biology, habitat management, and stressors (factors negatively affecting the DPS) to the species. The SSA report and other materials relating to this proposal can be

found at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2019-0006, and at the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

## Previous Federal Actions

On April 27, 2011, we received a petition dated April 27, 2011, from the Center for Biological Diversity, requesting that Sierra Nevada red fox be listed as an endangered or threatened species, and that critical habitat be designated under the Act. The petition also requested that we evaluate populations in the Cascade and Sierra Nevada mountain ranges as potential DPSs. On January 3, 2012, we published a positive 90-day finding (77 FR 45) that the petition presented substantial information indicating that listing may be warranted.

Following a stipulated settlement agreement requiring our completion of a status review of the species by September 30, 2015, we issued a 12-month finding (80 FR 60990) on October 8, 2015. We concluded at that time that there were two valid DPSs for the Sierra Nevada red fox: The Southern Cascades DPS and the Sierra Nevada DPS. We determined and reaffirm here that both the Southern Cascades and Sierra Nevada segments of the Sierra Nevada red fox's range are both discrete and significant based on marked physical separation (discreteness) and genetic variation/characteristics (discreteness and significance). Please see the 12-month finding (80 FR 60990) for a complete discussion of our DPS Policy and rationale for meeting the discreteness and significance criteria. Additionally, our September 30, 2015, 12-month finding concluded that: (1) Listing the Sierra Nevada red fox across its entire range was not warranted; (2) listing the Southern Cascades DPS was not warranted; and (3) listing the Sierra Nevada DPS was warranted, but temporarily precluded by higher priority listing actions.

## I. Proposed Listing Determination

### Background

A thorough review of the taxonomy, life history, ecology, and overall viability of the Sierra Nevada red fox is presented in the SSA report (Service 2018; available at <http://www.regulations.gov>). This report summarizes the relevant biological data and a description of past, present, and likely future stressors, and presents an analysis of the potential viability of the Sierra Nevada red fox. The SSA report documents the results of the comprehensive biological status review

for the Sierra Nevada red fox, provides an evaluation of how potential threats may affect the species' viability both currently and into the future, and provides the scientific basis that informs our regulatory decision regarding whether this species should be listed as an endangered or threatened species under the Act, as well as the risk analysis on which the determination is based (Service 2018, entire). The following discussion is a summary of the SSA report.

#### *Species Information*

Red foxes (*Vulpes vulpes*) are small, slender, doglike carnivores, with elongated snouts, pointed ears, and large bushy tails (Aubry 1997, p. 55; Perrine 2005, p. 1; Perrine et al. 2010, p. 5). The Sierra Nevada red fox is one of 10 North American subspecies of the red fox (Hall 1981, p. 938; Perrine et al. p. 5). Diagnostic features, by which red foxes can be distinguished from other small canines, include black markings on the backs of their ears, black shins, and white tips on their tails (Statham et al. 2012, p. 123).

Sierra Nevada red foxes average about 4.2 kilograms (kg) (9.3 pounds (lb)) for males and 3.3 kg (7.3 lb) for females, as compared to the general North

American red fox average of about 5 kg (11 lb) for males and 4.3 kg (9.5 lb) for females (Perrine et al. 2010, p. 5).

The Sierra Nevada red fox is characterized by what appears to be specialized adaptations to cold areas (Sacks et al. 2010, p. 1524). These apparent adaptations include a particularly thick and deep winter coat (Grinnell et al. 1937, p. 377), longer hind feet (Fuhrmann 1998, p. 24), and small toe pads (4 millimeters (mm) (0.2 inch (in)) across or less) that are completely covered in winter by dense fur, which may facilitate movement over snow (Grinnell et al. 1937, pp. 378, 393; Fuhrmann 1998, p. 24; Sacks 2014, p. 30). The Sierra Nevada red fox's smaller size may also be an adaptation to facilitate movement over snow by lowering weight supported by each footpad (Quinn and Sacks 2014, p. 17), or it may simply result from the reduced abundance of prey at higher elevations (Perrine et al. 2010, p. 5).

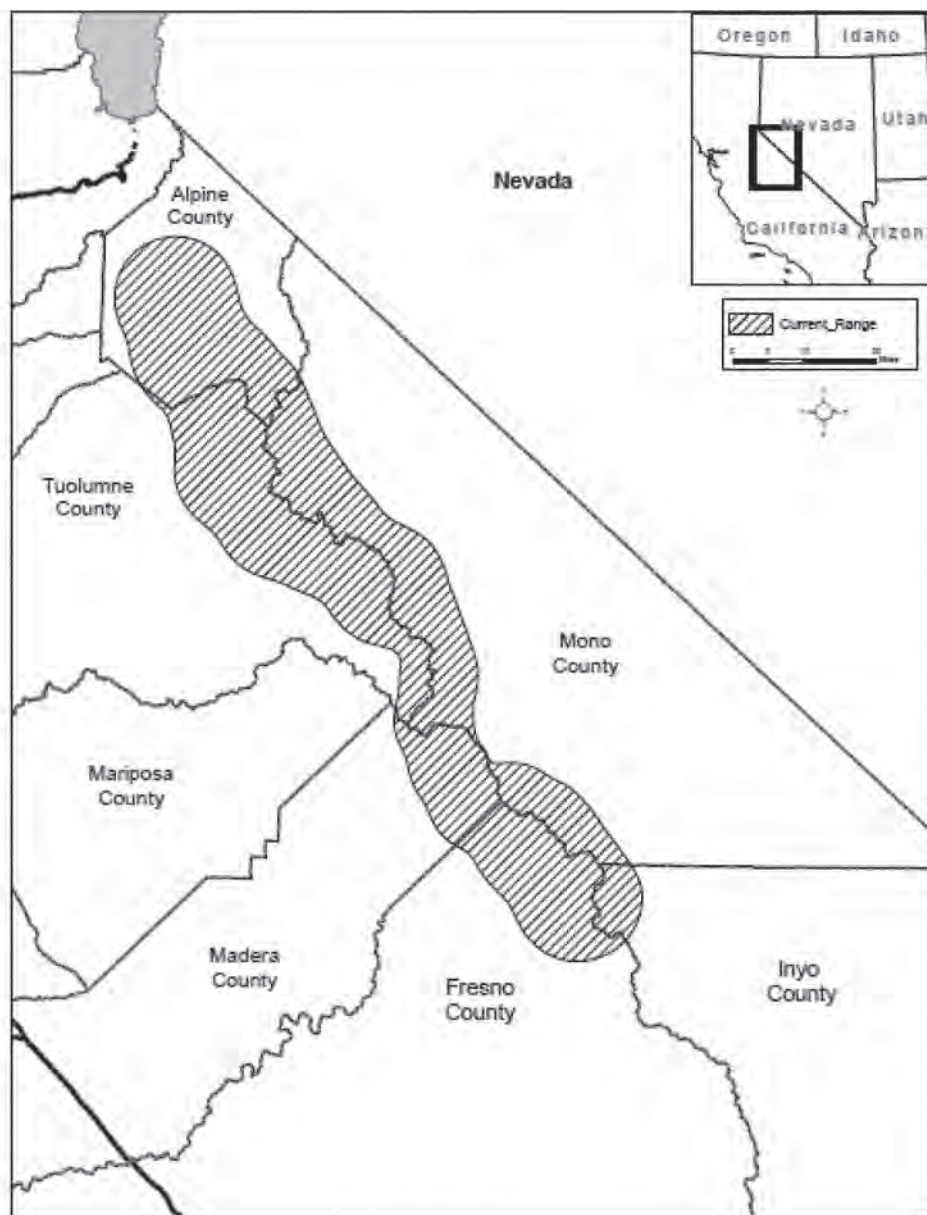
Genetic analyses indicate that red foxes living near Sonora Pass, California, as of 2010 are descendants of the Sierra Nevada red fox population that was historically resident in the area (Statham et al. 2012, pp. 126–129). This is the only population known to exist in the Sierra Nevada mountain range, and

is thus the last known remnant of the larger historical population that occurred along the upper elevations of the Sierra Nevada mountain range from Tulare to Sierra Counties. The only other known Sierra Nevada red fox population in California is located near Lassen Peak, in the southern Cascade mountain range, and shows clear genetic differences from the Sonora Pass population (Statham et al. 2012, pp. 129–130) (see also DPS discussion in our October 8, 2015, 12-month finding (80 FR 60990)).

#### *Range and Habitat*

The current range, which is significantly contracted from the historical range, runs near the Sierra crest from about Arnot Peak and California State Highway 4 south to Yosemite National Park (Cleve et al. 2011, entire; Sacks et al. 2015, pp. 10, 14; Eyes 2016, p. 2; Hiatt 2017, p. 1; Figure 1), and then jumps approximately 48 mi (77 km) southeast per two new sightings (photographs; unknown if one or more individuals) noted during summer 2018 near the intersection of Fresno/Mono/Inyo Counties (Quinn 2018a, attachments; Stermer 2018, p. 1).

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**Figure 1**—Approximate current range of the Sierra Nevada DPS of Sierra Nevada red fox. The range follows the Sierra Crest (the north-to-south ridgeline of the Sierra Nevada mountain range), and includes known sighting locations and nearby high-quality habitat (Cleve *et al.* 2011, entire; Eyes 2016, attachments; Hiatt 2017, attachment; Quinn 2018a, attachments; Quinn 2018a, attachments; Stermer 2018, p. 1).

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Sierra Nevada red fox sightings have consistently occurred in subalpine habitat at elevations ranging from 2,656 to 3,538 meters (m) (8,714 to 11,608 feet (ft)) (based on average elevation reported, plus or minus three standard

deviations) (Sacks *et al.* 2015, pp. 3, 11). In the Sonora Pass area used by the Sierra Nevada red fox, subalpine habitat is characterized by a mosaic of high-elevation meadows, rocky areas, scrub vegetation, and woodlands (largely mountain hemlock (*Tsuga mertensiana*),

whitebark pine (*Pinus albicaulus*), and lodgepole pine (*Pinus contorta*)) (Fites-Kaufman *et al.* 2007, p. 475; Sacks *et al.* 2015, p. 11; Quinn 2017, p. 3). Snow cover is typically heavy, and the growing season lasts only 7 to 9 weeks (Verner and Purcell 1988, p. 3). Forested

areas are typically relatively open and patchy (Verner and Purcell 1988, p. 1; Lowden 2015, p. 1), and trees may be stunted and bent (krumholtzed) by the wind and low temperatures (Verner and Purcell 1988, p. 3; Sacks *et al.* 2015, p. 11).

#### Feeding

Individuals of the Sierra Nevada red fox are opportunistic predators of small mammals such as rodents (Perrine *et al.* 2010, pp. 24, 30, 32–33; Cross 2015, p. 72). Leporids such as snowshoe hare (*Lepus americanus*) and white-tailed jackrabbit (*Lepus townsendii*) are also an important food source for the Sierra Nevada red fox, particularly in winter and early spring (Aubry 1983, p. 109; Rich 2014, p. 1; Quinn 2017, pp. 3–4; Sacks 2017, p. 3). Whitebark pine seeds may also be an important food source during some years, particularly in winter (Sacks *et al.* 2017, p. 2).

#### Life History

Little information exists regarding Sierra Nevada red fox reproductive biology; it is likely similar to other North American red fox subspecies (Aubry 1997, p. 57). Other subspecies are predominantly monogamous and mate over several weeks in the late winter and early spring (Aubry 1997, p. 57). The gestation period for red fox is 51 to 53 days, with birth occurring from March through May in sheltered dens (Perrine *et al.* 2010, p. 14). Members of the Sierra Nevada red fox use natural openings in rock piles at the base of cliffs and slopes as denning sites (Grinnell *et al.* 1937, p. 394). Additionally, they may dig earthen dens, similar to Cascade red foxes (*Vulpes vulpes cascadenis*), though this has not been directly documented in the Sierra Nevada red fox (Aubry 1997, p. 58; Perrine 2005, p. 153). Litter sizes of two to three pups appear to be typical (Perrine 2005, p. 152). Reproductive output is generally lower in montane foxes than in those living at lower elevations, possibly due to comparative scarcity of food (Perrine 2005, pp. 152–153; Sacks 2017, p. 2).

#### Demographics

The population size of the Sierra Nevada red fox is estimated between 10 to 50 adults, including some young adults forgoing potential breeding to help their parents raise their siblings (Sacks 2015, p. 1; Sacks *et al.* 2015, p. 14). This estimate includes hybrids, which recent information suggests comprise the majority of known individuals sighted within one study area of the population (Sacks *et al.* 2015, pp. 15, 17, 29–30).

The average lifespan, age-specific mortality rates, sex ratios, and demographic structure of Sierra Nevada red fox populations are not known, and are not easily extrapolated from other red fox subspecies because heavy hunting and trapping pressure on those other subspecies likely skew the results (Perrine *et al.* 2010, p. 18). However, three individuals within the Southern Cascades DPS (in the Lassen area) lived at least 5.5 years (CDFW 2015, p. 2), and an additional study within the Sierra Nevada red fox (Sonora Pass area) found the average annual adult survival rate to be 82 percent, which is relatively high for red foxes (Quinn and Sacks 2014, pp. 10, 14–15, 24).

#### Summary of Biological Status and Threats Affecting the DPS

The Act directs us to determine whether any species is an endangered species or a threatened species because of any factors affecting its continued existence. We completed a comprehensive analysis of the biological status of the Sierra Nevada red fox, and prepared an SSA report, which provides a thorough assessment of the potential threats that may affect the species' viability both currently and into the future. We define viability here as the ability of the species to persist over the long term and, conversely, to avoid extinction. In this section, we summarize that assessment, which can be accessed on the internet under Docket FWS–R8–ES–2019–0006 on <http://www.regulations.gov>.

To assess Sierra Nevada red fox viability, we used the three conservation biology principles of resiliency, representation, and redundancy (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand stochastic events—for example, significant variations to normal demographic or environmental conditions (e.g., significant drops in population growth rate, extreme weather events, 100-year floods); representation supports the ability of the species to adapt over time to changing environmental conditions (such as measured by the breadth of genetic or environmental diversity within and among populations); and redundancy supports the ability of the species to withstand large-scale, catastrophic events (for example, multi-year droughts). In general, the more redundant and resilient a species is and the more representation and redundancy it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the subspecies' ecological

requirements for survival and reproduction, and described the beneficial and risk factors influencing the DPS's viability.

#### Resiliency

Resiliency describes the ability of a species (or DPS) to withstand stochastic disturbance. For the Sierra Nevada red fox to maintain viability, its population(s) or some portion thereof must be resilient. Environmental stochastic disturbances that affect the overall reproductive output of the population are reasonably likely to occur infrequently, but if they do, they would likely be of a magnitude that can drastically alter the ecosystem where they happen. Classic examples of environmental stochastic events include drought, major storms (e.g., hurricanes), fire, and landslides (Chapin *et al.* 2002, pp. 285–288), and examples of demographic stochastic events include variations in sex ratio, birth/death rates, etc. The best available information at this time suggests that the Sierra Nevada red fox population needs to be larger, to a currently unknown degree, to ensure its viability into the future. Given the uncertainties surrounding the adequate population size and growth rates for the Sierra Nevada red fox, the best available information indicates that the proxies for these indices of abundance appear to be diminished; therefore, we assume a diminished resiliency for the DPS.

Given the lack of information on adequate population size for subalpine red fox, an example of a resilient population size for an island fox subspecies—Santa Catalina Island fox (*Urocyon littoralis catalinae*)—is roughly 150 or more adult individuals (based on information presented by Kohlmann *et al.* (2005, p. 77), assuming habitat conditions are adequate to support a population of this size. Although this example is not a one-to-one crosswalk for considering the minimum viable population size for the Sierra Nevada red fox, it is a reference that provides related information for another fox's demographic needs. The information for this island fox subspecies suggests that this minimum population size likely allows it to survive chance deleterious events, whereas stochastic events become an increasing risk to viability as population numbers dip below 150.

#### Redundancy

Redundancy describes the ability of a species (or DPS) to withstand catastrophic events. Currently, there is only one small, isolated population of Sierra Nevada red fox known within the Sierra Nevada mountain range. In

general, given the low number of foxes currently known within this DPS and the limited range they inhabit, the DPS appears to have a low ability to withstand catastrophic events should they occur. Additionally, there do not appear to be any other populations within the range of this DPS to serve as a source to recover from a catastrophic loss of individuals.

#### Representation

Representation describes the ability of a species (or DPS) to adapt to changing environmental conditions over time. It is characterized by the breadth of genetic and environmental diversity within and among populations. The Sierra Nevada red fox historically occurred throughout the high elevations of the Sierra Nevada. The current, small population has been experiencing genetic challenges, including inbreeding depression, as well as hybridization with non-Sierra Nevada red fox individuals, which can lower survivorship or reproductive success by interfering with adaptive native genes or gene complexes (Allendorf *et al.* 2001, p. 617; Frankham *et al.* 2002, pp. 386–388). Having broad genetic and environmental diversity could help the DPS withstand environmental changes. However, at this time, the Sierra Nevada red fox does not have this broad diversity. Additionally, regarding hybridization, the best available information does not suggest that hybridization has negatively affected the DPS's ability to adapt to changing environmental conditions.

#### Summary of Existing Regulatory Measures and Voluntary Conservation Efforts

The U.S. Forest Service (USFS) identifies the Sierra Nevada red fox as a sensitive species and has done so since 1998. Sensitive species receive special consideration during land use planning and activity implementation to ensure species viability and to preclude population declines (USFS 2005, section 2670.22). The USFS included Sierra Nevada red fox-specific protection measures in the *Sierra Nevada Forest Plan Amendment (SNFPA) Standards and Guidelines* given the extensive overlap of suitable and in some cases occupied habitat for the Sierra Nevada red fox with Forest Service lands. These specific protection measures require the USFS to conduct and analyze potential impacts of activities within 5 mi (8 km) of a verified Sierra Nevada red fox individual sighting (USFS 2004, p. 54). The protection measures also limit the time of year that certain activities may

occur to avoid adverse impacts to Sierra Nevada red fox breeding efforts, and require 2 years of evaluations following activities near sightings that are not associated with a den site (USFS 2004, p. 54).

The National Park Service prohibits hunting and trapping in Yosemite National Park and manages natural resources to “preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities” (NPS 2006, p. 26). The land management plan for Yosemite National Park (as well as Sequoia National Park, which is not known to currently contain Sierra Nevada red fox individuals but does occur within the DPS's historical range) does not contain specific measures to protect the Sierra Nevada red fox or the subspecies' habitat. However, areas not developed specifically for recreation and camping are managed toward natural processes and species composition, and the best available information indicates that the National Park Service would maintain the subspecies' habitat.

The Department of Defense recently completed an Integrated Natural Resources Management Plan (INRMP) for the U.S. Marine Corps Mountain Warfare Training Center (MWTC), which is a facility and training area that falls within the Sierra Nevada red fox range, including overlap with some known sightings. The INRMP includes provisions prohibiting disturbance within 330 ft (100.6 m) of Sierra Nevada red fox den sites from January 1 to June 30 (MWTC 2018, p. 3–26). Additionally, the INRMP states that the MWTC must implement “measures to prevent habituation to human food, an education program on these measures, and avoid activities from January 1 to June 27 within 0.25 mi (0.4 km) of den sites” (MWTC 2018, p. 3–67).

On October 2, 1980, the State of California listed the Sierra Nevada red fox as a threatened species. The designation prohibits possession, purchase, or “take” of threatened or endangered species without an incidental take permit, issued by the California Department of Fish and Wildlife (CDFW; formerly California Department of Fish and Game). Additionally, red foxes in general are protected by the State from hunting and trapping (14 C.C.R. 460).

A conservation effort currently is underway by the Sierra Nevada Red Fox Working Group (SNRFWG). This working group was formed in 2015 by representatives of Federal and State wildlife agencies, state universities, and nongovernmental conservation

organizations (SNRFWG 2015, p. 1; SNRFWG 2016, p. 1). In addition to continued monitoring of the Sierra Nevada red fox, the SNRFWG proposes to develop a conservation strategy, which would include a genetic management plan and a feasibility assessment. This conservation strategy would assist in addressing possible translocations of Sierra Nevada red fox from area(s) within the Southern Cascades DPS to the Sierra Nevada (SNRFWG 2016, pp. 2–6). Managed Sierra Nevada red fox translocations would reduce impacts associated with inbreeding depression and counter introgression of nonnative alleles by introducing, in a controlled and monitored manner, new (*i.e.*, native) alleles into the Sierra Nevada red fox population(s). These new alleles would be more likely to code for native local adaptations than would alleles originating in other subspecies of red fox (SNRFWG 2016, p. 3). To date, these conservation goals are not significantly advanced, and are not factored into this analysis (and discussed here primarily for informational purposes). However, if carried out in the near future, these actions could address significant negative influences currently acting upon the subspecies (*i.e.*, reduced genomic integrity and inbreeding depression as a result of small population size; hybridization with nonnative red fox).

#### Risk Factors Affecting the Sierra Nevada DPS of Sierra Nevada Red Fox

Our SSA considered a variety of environmental and demographic characteristics important to the viability of the Sierra Nevada red fox, taking into consideration both current and potential future conditions that may impact the DPS. The environmental characteristics we considered were: (1) Extent of subalpine habitat (with low temperatures and short growing seasons), (2) deep winter snow cover, (3) rodent and leporid (rabbits and hare) populations, and (4) presence of whitebark pine. The best available information suggests that the first two characteristics are likely important because the Sierra Nevada red fox appears adapted to them. Fox develop dense, fur-covered toe pads during the winter (Grinnell *et al.* 1937, pp. 378, 393; Fuhrmann 1998, p. 24; Sacks 2014, p. 30), allowing them to better use sites with deep snow cover that coyotes cannot access, thus reducing competition for food. The remaining two characteristics are important in that rodents and leporids are known prey items of the Sierra Nevada red fox, and caches of whitebark pine seeds were

found to be an important winter food source for Rocky Mountain montane foxes in some years. The demographic characteristics we considered important to the viability of the Sierra Nevada red fox include: (1) Genomic integrity (extent of hybridization or inbreeding depression), (2) population size, and (3) number of populations.

Risk factors affecting the environmental characteristics that the subspecies relies on include changing climate conditions (*i.e.*, drought, warming temperatures that may affect snowpack levels), which promote coyote presence (and thus competition with the Sierra Nevada red fox) in high-elevation areas, and potential threats to whitebark pine such as rust disease and mountain pine beetles. Risk factors affecting the demographic characteristics include deleterious impacts associated with small population size, including inbreeding depression (as a consequence of population reduction and a lack of other populations) and reduced genomic integrity, and levels of hybridization with nonnative red foxes. Our evaluation of the best available information indicates there is no evidence of significant adverse impacts specifically associated with the Sierra Nevada red fox's habitat. We presented several potential causal connections between habitat conditions and their importance to the Sierra Nevada red fox, as well as scenarios related to possible future trajectories of the risk factors that could affect those habitat conditions. As we analyzed these potentialities, we determined that the relative importance of potential causal connections was lower than presented in some scenarios, and that the most likely scenario of future conditions would exhibit a lower overall risk to the DPS's habitat. As such, we conclude that there are not any current or future significant habitat-based threats. The best available information suggests that threats to the subspecies directly (as opposed to habitat) are of greatest concern. Below is a summary of the factors influencing the species viability, provided in detail in the SSA report (Service 2018) and available on the internet at [www.regulations.gov](http://www.regulations.gov), Docket No. FWS-R8-ES-2019-0006.

#### Subalpine Habitat Suitability, Snowpack Levels, and Coyote Presence

Over the past 100 years, average temperatures in alpine regions have increased by 0.3 to 0.6 °C (Perrine *et al.* 2010, p. 30). In the Lake Tahoe region (northern Sierra Nevada mountain range in California), the average number of days per year for which the average

temperature was below-freezing has decreased from 79 in 1910 to about 51 in 2010 (Kadir *et al.* 2013, p. 102). These increased average temperatures coupled with periodic drought conditions can result in changed habitat conditions in subalpine habitat. For example, direct measurements of primary productivity in a subalpine meadow in Yosemite National Park have shown that mesic (medium wet) and hydric (wet) meadows both tend to increase productivity in response to warmer, drier conditions (Moore *et al.* 2013, p. 417). Xeric (dry) meadows tend to increase productivity due to warmth, but decrease due to drier conditions (Moore *et al.* 2013, p. 417). A comparison of tree biomass and age in subalpine forests now and about 75 years ago also points to increased productivity over time (Kadir *et al.* 2013, p. 152). Specifically, small trees with comparatively more branches increased by 62 percent, while larger trees decreased by 21 percent, resulting in younger, denser stands (Kadir *et al.* 2013, p. 152). This overall increase in biomass occurred consistently across the subalpine regions of the Sierra Nevada mountain range and across tree species. The primary cause was an increase in the length of the growing season (Kadir *et al.* 2013, p. 152).

Increasing average temperatures and periodic drier conditions during drought years may have increased the productivity of high-elevation areas, thus likely supporting higher prey abundance levels that (at least in some years) in turn could support more coyotes in spring and summer months. The best available information suggests that coyotes are present in the Sonora Pass area at the same elevations as the Sierra Nevada red fox during summer months, also outnumbering the Sierra Nevada red fox individuals in that area (Quinn and Sacks 2014, pp. 2, 11, 12, 35). Additionally, several coyotes were found to be related, suggesting they were establishing territories and raising pups (Quinn and Sacks 2014, p. 12). As a result of this information, coyote densities appear to have increased in this area relative to historical levels, thus resulting in increased coyote competition with the Sierra Nevada red fox. This increased coyote presence (and potentially density) on a given landscape can lead to decreased density of Sierra Nevada red foxes (Sargeant *et al.* 1987, p. 288; Harrison *et al.* 1989, p. 185) (see also additional discussion in section 3.1 of the SSA report (Service 2018, pp. 15–16)). Also, the increased coyote presence may in part result from increased productivity of food sources

due to changing climate conditions, although snowpack levels were low during much of the monitoring period due to drought, and this increased productivity may also have affected coyote densities (Kadir *et al.* 2013, p. 152) (see below).

In the central portion of the Sierra Nevada mountain range, average current April 1 snowpack levels in Yosemite National Park (which overlaps a portion of the known Sierra Nevada red fox sightings) have been just above 23.6 in (60 cm) (Curtis *et al.* 2014, p. 9). To date, all Sierra Nevada red fox individuals sighted within the park have been in the areas of highest snowpack (Eyes 2016, p. 2).

While snowpack conditions vary by year and location, the best available information suggests that the areas where Sierra Nevada red fox occur have been maintaining high snowpack during winter and spring most years, regardless that snowpack appears to be decreasing in some areas across the mountain range (see section 4.1 of the SSA report (Service 2018, pp. 22–23)). Therefore, the current condition for deep winter snow appears adequate, noting some years have and will continue to result in drought conditions and thus lower snowpack levels.

#### Prey Availability

Rodent population numbers in subalpine areas have likely increased due to an increase in primary productivity (Service 2018, pp. 21, 24). Despite several factors that may limit their availability (*e.g.*, increased presence of coyotes, compaction of snow from snowmobile activity), the general landscape appears adequate for rodents.

Adequate leporid population numbers may be of concern given that both white-tailed jackrabbits and snowshoe hares are considered species of special concern across the Sierra Nevada by CDFW (CDFW 2017, p. 51), a designation meaning they are potentially vulnerable to extirpation in California (CDFW 2017, p. 10). Regardless of rangewide leporid abundance, the best available information does not suggest that leporid abundance is inadequate in the vicinity of the majority of known Sierra Nevada red fox sighting locations (*i.e.*, Sonora Pass area); leporids appear currently to be relatively common and present all year in the Sonora Pass area (Rich 2014, p. 1).

#### Deleterious Effects Associated With Small Populations

Within the DPS area, the Sierra Nevada red fox is currently known from

a single population extending along the Sierra Nevada crest near Sonora Pass (State Route 108), with species experts providing an overall estimate of about 10 to 50 adults residing in the center of the DPS's historical range (Sacks 2015, p. 1; Sacks *et al.* 2015, p. 14). Two new (2018) Sierra Nevada red fox sightings are now known from about 32 mi (51 km) southeast of the previously known southern sightings (*i.e.*, eastern edge of Yosemite National Park) of the population (Stermer 2018a, p. 1). It is unclear whether these 2018 sightings are of the same or different foxes (Stermer 2018b, p. 1), or whether that fox or foxes dispersed from the Sonora Pass area. Our estimate of population numbers includes an unknown number of hybrids, which in 2014 comprised 8 of 10 non-immigrant individuals sighted (Sacks *et al.* 2015, pp. 17, 29). No evidence of reproduction of pure Sierra Nevada red fox was observed at a 50-mi<sup>2</sup> (130-km<sup>2</sup>) study site for the 2011 to 2014 breeding seasons (Sacks *et al.* 2015, pp. 3, 15, 30). This finding is consistent with low reproductive success due to inbreeding depression (Sacks *et al.* 2015, p. 15). Given this population information, the current condition of the Sierra Nevada red fox likely includes inbreeding depression and a population size lower than necessary to reduce risks associated with stochastic events (*i.e.*, a portrayal of low resiliency).

#### Genomic Integrity

Prior to spring of 2013, no reproduction between native individuals of the Sierra Nevada red fox and nonnative immigrant red fox was known to have occurred (Sacks *et al.* 2015, p. 9; Sacks 2017, p. 4). However, two nonnative male red foxes with a mixture of montane (*V. v. macroura*) and fur-farm ancestry arrived at the Sonora Pass area in 2012 and by 2014 had produced a total of 11 hybrid pups (Sacks *et al.* 2015, pp. 3, 10, 29–30). These constituted the only known pups produced in the Sonora Pass area (*i.e.*, the only area/population of the Sierra Nevada red fox within the DPS area) during the four breeding seasons from 2011 to 2014 (Sacks *et al.* 2015, pp. 3, 15, 30). A third nonnative male was sighted (once) in 2014, bringing the known individuals in that year to three nonnatives, eight hybrids, and two native Sierra Nevada red fox individuals (Sacks *et al.* 2015, pp. 17, 22, 29). While the hybrid pups assist in helping the Sierra Nevada red fox experience less inbreeding depression at the current point in time when the overall population is small, the best available scientific and commercial information

suggests that the current condition with regard to maintaining high genomic integrity is poor, and thus, species representation is considered low. Additionally, low representation is further characterized by this DPS's single, small population, which is spread in a relatively constricted geographic arrangement and not indicative of a resilient or redundant mammalian population to withstand stochastic or catastrophic events.

#### Current Condition Summary

Overall, the current small population size is a direct result of decades of heavy hunting and trapping pressure across its range prior to the State of California's prohibition of "take" and designation of the Sierra Nevada red fox as a threatened species in 1980. Since that time, the remaining small population has experienced pressures from competition for prey resources by coyotes, deleterious impacts associated with small population size, including inbreeding depression (as a consequence of population reduction and a lack of other populations) and reduced genomic integrity, and levels of hybridization with nonnative red foxes. At this time, the best available scientific and commercial information suggest that the most significant threats to the Sierra Nevada red fox within this DPS are those Factor E stressors that directly affect the few individuals on the landscape (*i.e.*, deleterious effects associated with small population size that are resulting in low reproductive success (inbreeding depression) and genomic integrity).

#### Potential Future Conditions

We evaluated three future scenarios over a 50-year timeframe. This time period was chosen because it is within the range of the available hydrological and climate change model forecast information (IPCC 2014, pp. 10, 13), and coincidentally encompasses roughly 25 generations of the subspecies (Perrine *et al.* 2010, p. 15). The three scenarios included improved viability and conditions into the future, the persistence of current conditions into the future, and a decreased viability scenario where current conditions worsen into the future. The SSA report contains a full description of the projected future scenarios and potential outcomes (Service 2018, pp. 29–30).

Risks to the future viability of the Sierra Nevada red fox appear high given the small size and limited distribution of the current population and the factors that are negatively influencing the subspecies currently and into the future, which include deleterious effects

associated with small population size (genomic integrity and inbreeding depression), hybridization with nonnative red fox, and possibly reduced prey availability (given observations of scarce leporid observations in some subalpine areas) and competition with coyotes for both leporid and rodent prey due to reduced snowpack levels. Redundancy is likely to remain poor into the future until such time as the current, isolated small population increases in size or an additional population provides protection against a catastrophic event eradicating the whole subspecies. Resiliency will likely remain low given continued periodic drought conditions and temperature increases that reduce snow depth and consequently may cause increased competition with coyotes. Rodent population sizes will likely increase if primary productivity of the subalpine habitat increases in the future; however, red fox access to rodents could be limited due to coyote competition. Leporid and whitebark pine populations may decrease or become less dependable.

The recent increase in pup production is encouraging (although minimizing future hybridization would be preferable); however, representation is low and likely to remain so due to the small size and genetic integrity of the population, which would likely remain susceptible to inbreeding depression if the population(s) fails to increase sufficiently. Additionally, the geographic range of the population(s) is limited (even though suitable habitat is not) especially when compared to the historical extent within the Sierra Nevada. In total, these threats (*i.e.*, deleterious impacts associated with small population size (including inbreeding depression and genomic integrity), hybridization concerns, and possibly reduced prey availability and competition with coyotes) currently leave the DPS susceptible to stochastic or catastrophic effects, both currently and in the future.

#### Proposed Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E)



other natural or manmade factors affecting its continued existence. The Sierra Nevada red fox faces the following threats: Deleterious impacts associated with small population size (including inbreeding depression and reduced genomic integrity) (Factor E), hybridization with nonnative red fox (Factor E), and possibly reduced prey availability and competition with coyotes (Factor E) resulting from reduced snowpack levels. Existing regulatory mechanisms and conservation efforts do not address the threats to the Sierra Nevada red fox to the extent that listing the DPS is not warranted.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Sierra Nevada DPS of the Sierra Nevada red fox. The Act defines an endangered species as any species that is “in danger of extinction throughout all or a significant portion of its range” and a threatened species as any species “that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.”

We considered whether the DPS is presently in danger of extinction and determined that proposing endangered status is appropriate. We have shown that there are negative influences on the DPS, including deleterious impacts associated with small population size, including (but not limited to) inbreeding depression. Since 2015, the best available information indicates that additional nonnative red fox hybridization has occurred, which has resulted in documented hybrid red fox pups. Although this hybridization may adversely affect the genetic integrity of the DPS, it likely has prevented further decreases in the size of the Sierra Nevada red fox population. Regardless, the DPS’ size and distribution remain critically low such that resiliency, redundancy, and representation are insufficient and place the DPS in danger of extinction throughout all of its range.

Although production of pups in monitored areas appears to have increased in 2013 and 2014 due to hybridization as compared to previous years (Sacks *et al.* 2015, p. 29), and two additional sightings of individuals of the Sierra Nevada red fox have recently (December 2017) extended the known current range of the Sierra Nevada red fox in the Sierra Nevada DPS to the vicinity of Mt. Hopkins (approximately 30 mi (48 km) south of Yosemite and about 70 mi (113 km) from the southern end of the Sonora Pass area) (Stermer 2018a, p. 1), these few new individuals have not increased the population size

or extent to the degree that the subspecies is not in danger of extinction, including from potential stochastic or catastrophic events.

The primary threats to the DPS, described above, are likely to become exacerbated in the future. Given current and future decreases in resiliency, the population has become more vulnerable to extirpation from stochastic events, and subsequent loss of representation and redundancy. The range of future scenarios of the DPS’s environmental and demographic conditions suggest current danger of extirpation throughout the Sierra Nevada mountain range. Under the current condition analysis as well as the potential future scenarios presented in the SSA report, the best available information suggests that the Sierra Nevada red fox has such low resiliency, redundancy, and representation that it is in danger of extinction currently.

Our analysis of the DPS’s current and future environmental and demographic conditions, as well as consideration of existing regulatory mechanisms and initiation of conservation efforts with partners (as discussed under “Available Conservation Measures,” above), show that the factors used to determine the resiliency, representation, and redundancy for the Sierra Nevada red fox will likely continue to decline. Therefore, the Sierra Nevada DPS of the Sierra Nevada red fox is likely in danger of extinction currently throughout all of its range.

#### Determination of Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Because we have determined that the Sierra Nevada DPS of the Sierra Nevada red fox is in danger of extinction throughout all of its range, we find it unnecessary to proceed to an evaluation of potentially significant portions of the range. Where the best available information allows the Services to determine a status for the species rangewide, that determination should be given conclusive weight because a rangewide determination of status more accurately reflects the species’ degree of imperilment and better promotes the purposes of the Act. Under this reading, we should first consider whether the species warrants listing “throughout all” of its range and proceed to conduct a “significant portion of its range” analysis if, and only if, a species does not qualify for listing as either an endangered or a

threatened species according to the “throughout all” language. We note that the court in *Desert Survivors v.*

*Department of the Interior*, No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), did not address this issue, and our conclusion is therefore consistent with the opinion in that case.

Therefore, on the basis of the best available scientific and commercial information, we propose to list the Sierra Nevada DPS of the Sierra Nevada red fox as an endangered species throughout all of its range in accordance with sections 3(20) and 4(a)(1) of the Act.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies; private organizations; and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species’ decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery

criteria for review of when a species may be ready for reclassification (such as “downlisting” from endangered to threatened) or removal from the Federal Lists of Endangered and Threatened Wildlife and Plants (“delisting”), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (<http://www.fws.gov/angered>), or from our Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands. If we list the Sierra Nevada red fox, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of California would be eligible for Federal funds to implement management actions that promote the protection or recovery of the DPS. Information on our grant programs that are available to aid species recovery can be found at: <http://www.fws.gov/grants>.

Although the Sierra Nevada red fox is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

## II. Critical Habitat

### Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement

reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

### Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. The regulations at 50 CFR 424.12(a)(1) state that the Secretary may, but is not required to, determine that a designation would not be prudent in the following circumstances:

(i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(ii) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(iii) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States;

(iv) No areas meet the definition of critical habitat; or

(v) The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available

The best available scientific and commercial information suggests that designating critical habitat is not

prudent because we have determined that the present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the Sierra Nevada red fox. Habitat also does not appear to be a limiting factor for the species (see Proposed Determination, above); there is abundant, protected adjacent habitat for Sierra Nevada red fox populations to expand into, should their population numbers rebound. Where the Sierra Nevada red fox currently occur, none of the threats we identified (small population size, hybridization, competition with coyotes) fall in the category of present or threatened destruction, modification, or curtailments of the fox's habitat. Overall, we conclude that there are not any current or future significant habitat-based threats, and the best available information suggests that threats to the subspecies directly (*i.e.*, deleterious effects associated with small population size and genomic integrity) are of greatest concern.

In addition, for those potential habitat-based stressors we evaluated (see Current and Future Conditions sections of the SSA report for additional discussion), the best available information indicates some changes to high elevation, subalpine areas may be occurring both currently and in the future with continued changing climate conditions (*e.g.*, less snowpack in some years with potential for increased primary productivity, potential for rust disease and wildfire (see sections 4.1 and 5.1 in the SSA report)). However, those changes are not currently expected, nor in the future projected, to result in significant negative influences on the viability of the DPS.

Because we assessed that the present or threatened destruction, modification,

or curtailment of the Sierra Nevada red fox's habitat is not a significant threat to the species, we have determined that designating critical habitat is not prudent at this time.

**III. Required Determinations**

*Clarity of the Rule*

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)

We have determined that environmental assessments and environmental impacts statements, as defined under the authority of the National Environmental Policy Act, need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this

determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov> and upon request from the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rulemaking are the staff members of the U.S. Fish and Wildlife Service Species Assessment Team and Sacramento Fish and Wildlife Office.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Proposed Regulation Promulgation**

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

- 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

- 2. Amend § 17.11(h) by adding an entry for “Fox, Sierra Nevada red [Sierra Nevada DPS]” under “MAMMALS” to the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
MAMMALS				
*	*	*	*	*
Fox, Sierra Nevada red [Sierra Nevada DPS].	<i>Vulpes vulpes necator</i> .....	U.S.A. (CA)—Sierra Nevada ...	E	[ <b>Federal Register</b> citation when published as a final rule].
*	*	*	*	*

\* \* \* \* \*

Dated: November 26, 2019.  
**Margaret E. Everson**  
*Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.*  
 [FR Doc. 2019–28462 Filed 1–7–20; 8:45 am]

**BILLING CODE 4333–15–P**

# EXHIBIT E

**National Park Service**

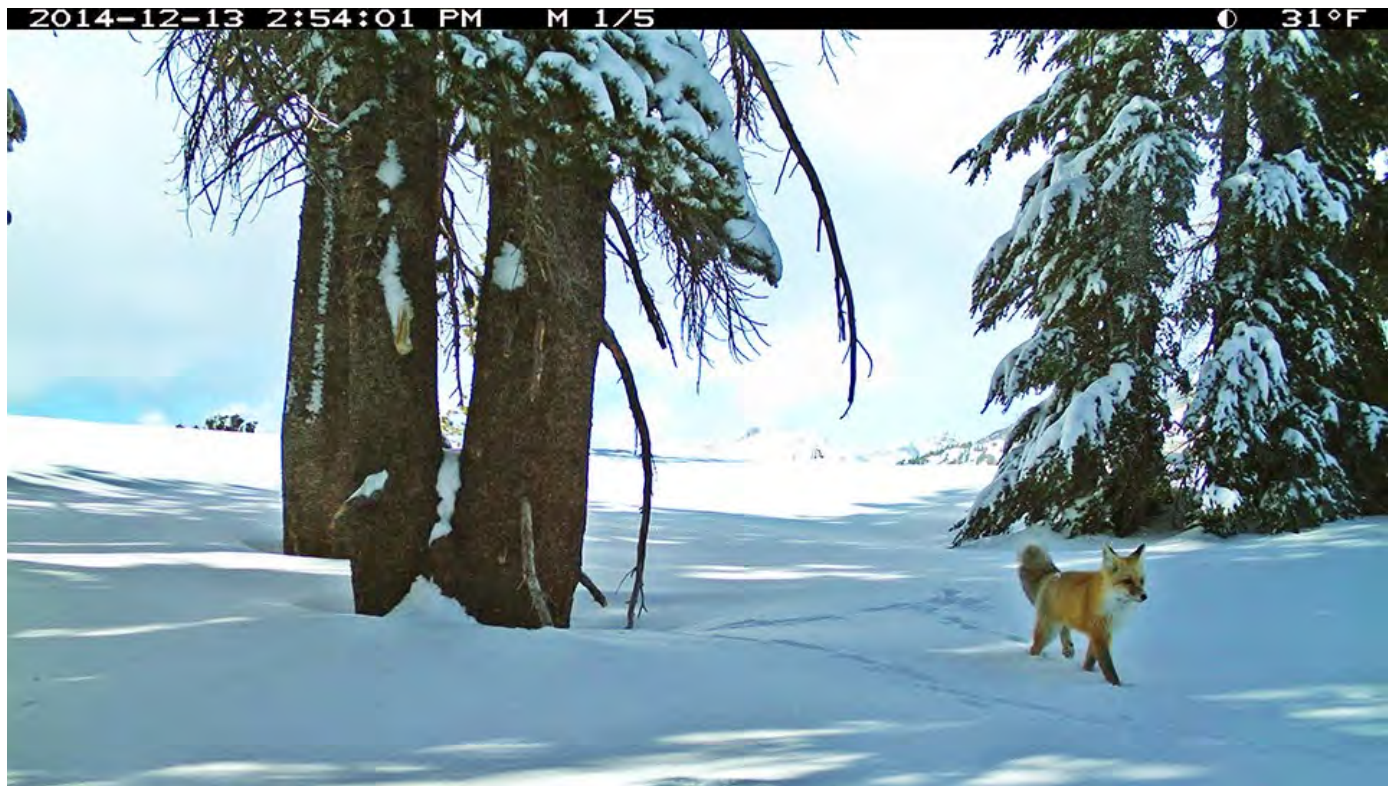
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**Yosemite**

National Park  
California

# Sierra Nevada Red Fox in Yosemite National Park

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*This picture of a Sierra Nevada red fox in December 2014 was the first confirmed detection in Yosemite in nearly a century.*

NPS

A priceless photo of a small red fox padding effortlessly atop a crest of snow in the far northern wilderness of Yosemite National Park was proof that a creature long thought extirpated in the park was indeed alive. The detections by motion sensor cameras in December 2014 and January 2015 brought to life the Sierra Nevada red fox: A most rare, elusive, and hardy creature, native to the Sierra Nevada of California, with genetic roots reaching back to the last Ice Age.

Last seen within Yosemite National Park boundaries in 1916, Yosemite wildlife biologists were on the lookout for the Sierra Nevada red fox after a confirmed sighting by a motion sensor camera was made at nearby Sonora Pass in 2010. The Sonora Pass detection included a bait bag with tooth punctures, which allowed University of California Davis genetics researchers to conduct a DNA analysis of saliva found on the bag. When compared to DNA extracted from Sierra Nevada red fox museum specimens collected prior to 1926, a most exciting discovery was made: the bite marks on the bait bag had the same genetic signature as the museum specimens. The scientific findings confirmed the presence of the Sierra Nevada red fox in the Sonora Pass area, and created a most hopeful expectation that nearby Yosemite National Park was also the fox's home.

Historically the Sierra Nevada red fox roamed the high elevations of California's Sierra Nevada and Southern Cascade Mountains for thousands of years. Prior to the 2010 Sonora Pass discovery, only one known remnant population of approximately 20 individuals remained in the historic range near Mt. Lassen. Prized by trappers

for their soft, dense fur, sightings of the Sierra Nevada red fox began to greatly diminish by 1940. California prohibited trapping in 1974, and listed Sierra Nevada red fox as a threatened species in 1980. The United States Fish and Wildlife Service designated the Sonora Pass/Yosemite animals as proposed endangered species under the Endangered Species Act.

The photos of the Yosemite Sierra Nevada red fox depict an obviously healthy animal with a jaunty step and a foxy, alert expression. The wonder of the photo lies with the elusiveness of the creature who without the camera detections may have remained hidden for many more years. What is certain is there are very few Sierra Nevada red foxes and this fact gives urgency to Yosemite National Park's efforts to seek vital information about the animals in order to gain the information needed to eventually increase their population.

Building on the success of the Yosemite Conservancy funded project that yielded the first photos, biologists deployed additional cameras along with hair snares (for DNA analysis) to determine the number of Sierra Nevada red foxes and their locations. The increased camera surveys, also funded by Yosemite Conservancy, have the added advantage of learning what other animals are overlapping with the Sierra Nevada red fox, and whether those creatures represent competitors or prey to the fox.

Yosemite's wildlife biologists have teamed up with other agencies, academic institutions, and private organizations to help continue the Sierra Nevada red fox's important ecological legacy as a true California native and resident of Yosemite National Park.



*This Sierra Nevada red fox is being studied as part of a University of California, Davis research project.*

*The Sierra Nevada red fox is adapted to living year-round in high-elevation habitats.*

*Chris Stermer*



Last updated: January 27, 2020

**CONTACT THE PARK**

**Mailing Address:**

PO Box 577  
Yosemite National Park, CA 95389

**Phone:**

(209) 372-0200



# EXHIBIT F



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## The Mōnō-logue

a refreshing collection of all things Mono Lake  
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[Next](#) » Wanted: Mono Lake photos (calendar submission deadline: October 31)

### A glimpse into Lee Vining's nightlife: Foxes, raccoons, and more!

October 21st, 2018 by Nora, Lead Naturalist Guide

Last week, diners at Epic Cafe at the south end of town observed a red fox running through the cafe's lawn at night, sniffing for scraps dropped by messy eaters.



Here's the red fox seen at Epic Cafe. Notice its black ears, black feet, and white tip of the tail. It is larger than a gray fox, with longer legs and a bushier tail.

Not only is this stunning creature beautiful for visitors to observe, it is also quite rare in the area and the sighting sparked the interest of local agencies, including Yosemite National Park and the California Department of Fish & Wildlife. It has the potential to be an extremely rare **Sierra Nevada red fox (*Vulpes vulpes necator*)**, a subspecies of the more widespread **red fox (*Vulpes vulpes*)**. It could also be a non-native subspecies with Great Basin or fur farm ancestry. The only way to tell for sure is to gather genetic data—either fur or scat.

The Mono Lake Committee jumped into action to help the other agencies gather more information about the fox. With the help of Yosemite National Park Biologist Sarah Stock, we set up motion-triggered wildlife cameras and baited hair snares to see if we could gather fur for genetic testing. These hair snares are simply a line of brushes with copper wire screwed to a tree trunk with a sock filled with bait (chicken) dangling above it. This

entices the animal to reach up and brush against the wires while they sniff the bait. The cameras capture it so we know which animal approached the bait.

I've been checking the cameras daily and have seen some exciting critters pass through our little town! It is amazing to think about what goes on in town when we are all warm in our beds.



This is a gray fox. See how it has a black tip to its tail? They have shorter legs than a red fox, so they appear much smaller and, dare I say, slightly less majestic?



This raccoon is exhibiting how to use a hair snare. It is snagging the bait from the sock and rubbing against the copper wire brushes.



This raccoon is missing its telltale stripy tail!



The most exciting sighting was this bobcat, which was seen two nights in a row, prowling past the hair snare but showing little interest. How cool!



I'll keep checking the cameras and hope to see more of what wanders Lee Vining while we are all asleep.



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This entry was posted on Sunday, October 21st, 2018 at 8:10 am and is filed under Mono Lake Committee News, Research, Staff Musings, Wildlife. Both comments and pings are currently closed.

Comments are closed.

# EXHIBIT G



United States  
Department of  
Agriculture

R5-FR-010

August 2010



# Sierra Nevada Red Fox (*Vulpes vulpes necator*)

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A CONSERVATION ASSESSMENT

---

John D. Perrine  
Lori A. Campbell  
Gregory A. Green



# **Sierra Nevada Red Fox (*Vulpes vulpes necator*): A Conservation Assessment**

**John D. Perrine \***

Environmental Science, Policy and Management Department  
and  
Museum of Vertebrate Zoology  
University of California, Berkeley

**Lori A. Campbell\*\***

USDA Forest Service  
Pacific Southwest Research Station  
Sierra Nevada Research Center  
Davis, California

**Gregory A. Green**

Tetra Tech EC  
Bothell, Washington

Current address and contact information:

\*Primary Author: J. Perrine, Biological Sciences Department, California Polytechnic State University, San Luis Obispo, CA 93407-0401 [jperrine@calpoly.edu](mailto:jperrine@calpoly.edu)

\*\*L. Campbell, School of Veterinary Medicine, University of California, Davis, One Shields Avenue, Davis, CA 95616



## NOTES IN PROOF

- Genetic analyses by B. Sacks and others 2010 ([Conservation Genetics](#) 11:1523-1539) indicate that the Sacramento Valley red fox population is native to California and is closely related to the Sierra Nevada red fox. They designated the Sacramento Valley red fox as a new subspecies, *V. v. patwin*.
- In August 2010, as this document was going to press, biologists on the Humboldt-Toiyabe National Forest detected a red fox at an automatic camera station near the Sonora Pass along the border of Tuolumne and Mono Counties. Preliminary genetic analyses conducted at UC Davis indicate that the fox was a Sierra Nevada red fox. Further surveys and analyses are planned.
- The California Department of Fish and Game Region 1 Timber Harvest Program has established a Sierra Nevada red fox information portal, where many management-relevant documents can be downloaded as PDFs. See: <https://r1.dfg.ca.gov/Portal/SierraNevadaRedFox/tabid/618/Default.aspx>

## EXECUTIVE SUMMARY

This conservation assessment provides a science-based, comprehensive assessment of the status of the Sierra Nevada red fox (*Vulpes vulpes necator*) and its habitat. It identifies and evaluates key risk factors affecting viability and describes general Conservation Options. The current distribution, abundance and population trend for Sierra Nevada red fox are uncertain, but there is little evidence of increase or expansion. It is unclear whether this native mountain fox persists outside of the Lassen Peak region.

### **Summary of Key Findings**

#### **Historic Range and Population Densities**

- Throughout high elevations of the Sierra Nevada from Tulare County northward to Sierra County, and from Mount Shasta and Lassen Peak westward to the Trinity Mountains (Trinity County).
- Elevational range reportedly 1,200 to 3,600 m. Seldom sighted below 1,500 m and most often observed above 2,100 m.
- Occurred at low densities, even in areas of high relative abundance.

#### **Ecology**

- Little studied, as are mountain red fox populations in the Cascade and Rocky Mountains. One recent field study in the Lassen Peak region; most other accounts based on incidental observations.
- Small body size (average = 3.6 kg) and large seasonal home ranges (summer average = 2,300 ha).
- Human-associated mortality is fairly well described: trapping prior to the 1974 California prohibition, predator eradication programs associated with livestock or timber production, historic meadow overgrazing resulting in reduced prey populations, domestic dog-mediated disease vectors, and roadkill.
- Likely avoid coyotes (*Canis latrans*); niche overlap with marten (*Martes americana*) appears high.

#### **Habitat Relationships**

- Occupied habitats seem to be a composite typical of the high Sierra: high elevation barren, conifer and shrub habitats; montane meadows; subalpine woodlands and fell-fields.
- Seasonal elevational migration: summer habitat negatively associated with shrub and herbaceous cover; winter habitat 150-500 m lower and positively associated with forest cover comprised of large trees (>60 cm DBH) with >40% canopy closure.
- Den sites described as natural cavities in talus slopes or rockslides. May use earthen dens, boulder piles, or even the space beneath vacant cabins, as has been described for other mountain foxes.
- In winter, followed forested edge of openings, possibly avoiding areas where they would be exposed to attack by other carnivores. Ski tracks and other packed snow may facilitate winter travel.

#### **Potential Threats**

- Expansion of non-native lowland red foxes or coyotes into high elevation areas, resulting in increased competition and potential transmission of harmful diseases and parasites. Interbreeding with non-native red foxes may reduce genetic adaptation to local conditions.
- Development and recreation, resulting in increased exposure to humans, vehicles and pets, and possibly facilitating dispersal of non-native red foxes, coyotes and other competitors.
  - Habituation and begging habits may increase risk of mortality at roads, campgrounds, etc.
  - Fish poisoning disease mediated by stocking infected fish for recreational fisheries.
- Contact with rodenticides applied for vegetation or livestock management purposes.
- Climate change, resulting in a loss or restriction of their boreal environment or reduced snowfall.



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# INTRODUCTION

## ***Purpose of this Assessment***

One goal of the Sierra Nevada Forest Plan Amendment (SNFPA) 2001 and 2004 Records of Decision was to protect and recover native Sierra Nevada red fox (*Vulpes vulpes necator*) populations in the Sierra Nevada (USDA Forest Service 2001 p. 14). To accomplish this goal, the ROD commits the U.S. Department of Agriculture (USDA) Forest Service to completing a conservation assessment for the Sierra Nevada red fox in cooperation with other federal, state, and local agencies, as well as Tribal governments. This conservation assessment synthesizes the best available scientific information and thought concerning habitat relationships, population status and trends, historical and current distributions, and key threats potentially affecting the distribution, abundance and persistence of the Sierra Nevada red fox. Biologists and resource managers from the Forest Service, US Department of the Interior (USDI) National Park Service, USDI Fish and Wildlife Service, US Geological Survey, University of California, and California Department of Fish and Game, along with private research scientists, worked cooperatively to develop this assessment. This conservation assessment provides a scientifically sound, comprehensive assessment of the status of the Sierra Nevada red fox population and its habitat. It identifies and evaluates key threats affecting viability and describes management considerations that could form the basis of a strategy to conserve and recover populations throughout the range of this species.

## ***How the Document will be Updated***

This conservation assessment has been designed as a “living document” which will be periodically updated as relevant new information becomes available. All authors of this assessment, as well as biologists with a strong or vested interest in the Sierra Nevada red fox, will be encouraged to submit new publications or databases to either an ftp site, web site, or a designated document coordinator to be established specifically for this purpose. When sufficient new information is collected to warrant inclusion into the conservation assessment, it will be added as a dated addendum to the document’s appendix. Should the new information significantly alter views established in the original conservation assessment, it (as well as all other addendum information) will be added to the body text as a new conservation assessment addition.

## ***How Agency Biologists can use this Conservation Assessment***

Field biologists and managers are encouraged to use the information contained herein for project planning and analysis. In effects analyses, document the range of habitat associations in California, then focus on study results and data closest to the geographic location of the proposed project to evaluate effects of proposed management activities. Wherever possible, original literature should be reviewed and cited, rather than a summary document such as this assessment, except where such an assessment provides data or study comparisons to generate new information.

The National Environmental Policy Act of 1970 (NEPA) and implementing regulations provide specific direction for the procedure to incorporate information by reference into analyses. For example, it is not sufficient to state that all information contained in a document is incorporated. A summary of relevant data must be prepared and included in the project evaluation document.

Clearly list any assumptions and limitations associated with cited research to ensure proper contextual use of study inferences or conclusions. When doubt exists regarding proper interpretation of results, readers are encouraged to contact study authors directly, or discuss projects being planned with respected local Sierra Nevada red fox experts. When such contact results in a “personal communication” citation in an analysis document, it is wise to request review of any resultant text by the expert being cited to ensure accuracy and supportability.

## ***Acknowledgements***

The authors would like to acknowledge the other members of the working group who provided their time and expertise toward developing this document: Reg Barrett and Tom Kucera of UC Berkeley, Rick Golightly of Humboldt State, Diane Macfarlane and Laurie Perrot of the Pacific Southwest Region of the USDA Forest Service, Mike Magnuson of Lassen Volcanic National Park, Tom Rickman of the Lassen National Forest, Ron Schlorff of the California Department of Fish and Game, and Jesse Wild of the US Fish and Wildlife Service. Keith Aubry of the USDA Forest Service, John Siperek of the California Department of Fish and Game, and David Graber of the National Park Service reviewed the draft manuscript and provided many useful comments. Ellen Jackowski of Tetra Tech EC made figure 1, Rick Schlexer of the USDA Forest Service made figure 3, and Kristi Fein of CDFG made figure 5. The authors would also like to thank Jonathan Arnold of Lassen Volcanic National Park, Les Chow of the US Geological Survey, and the numerous field biologists with the USDA Forest Service for providing red fox sighting records and other inventory data. Keith Slauson of the USDA Forest Service Pacific Southwest Research Station in Arcata graciously provided the cover photo.

## **APPROACH**

### ***Organization of the Assessment***

The document is organized under the following key headings:

- **Description and Taxonomy**
- **Distribution and Population Density**
- **Ecology**
- **Conservation Status**
- **Potential Threats**
- **Conservation Options**
- **Inventory, Monitoring, and Research Needs**

Conservation considerations in the assessment could be used to launch a conservation strategy, provide guidance for field biologists as they evaluate potential effects of land and resource management projects, and identify habitat restoration opportunities during the landscape analysis process. Multiple agencies could use information from the assessment to begin a coordinated species conservation effort.

## **Geographic Scope of the Assessment**

The historical range of the Sierra Nevada red fox (*Vulpes vulpes necator*) included the Sierra Nevada, the southern Cascades in California, and the mountains of western Nevada (Grinnell and others 1937; Hall 1981). The current range is unknown. The extent of gene flow between *V. v. necator* and the mountain red fox of Washington and Oregon (the Cascade red fox, *V. v. cascadenensis*) is also unknown. However, current taxonomy and management protections differentiate the mountain red fox of California from those in Washington and Oregon. Hence, the geographic scope for this assessment is the area encompassed by the species' historical range in California (fig. 1). This area includes the Sierra Nevada Framework Planning Area (SNFPA) composed of the Sierra Nevada Bioregion and Modoc Plateau, as well as the Shasta-Trinity and Lassen Peak areas that are outside the SNFPA but important, nonetheless, to the conservation of this species.

## **Objectives**

Objectives for this assessment include the following:

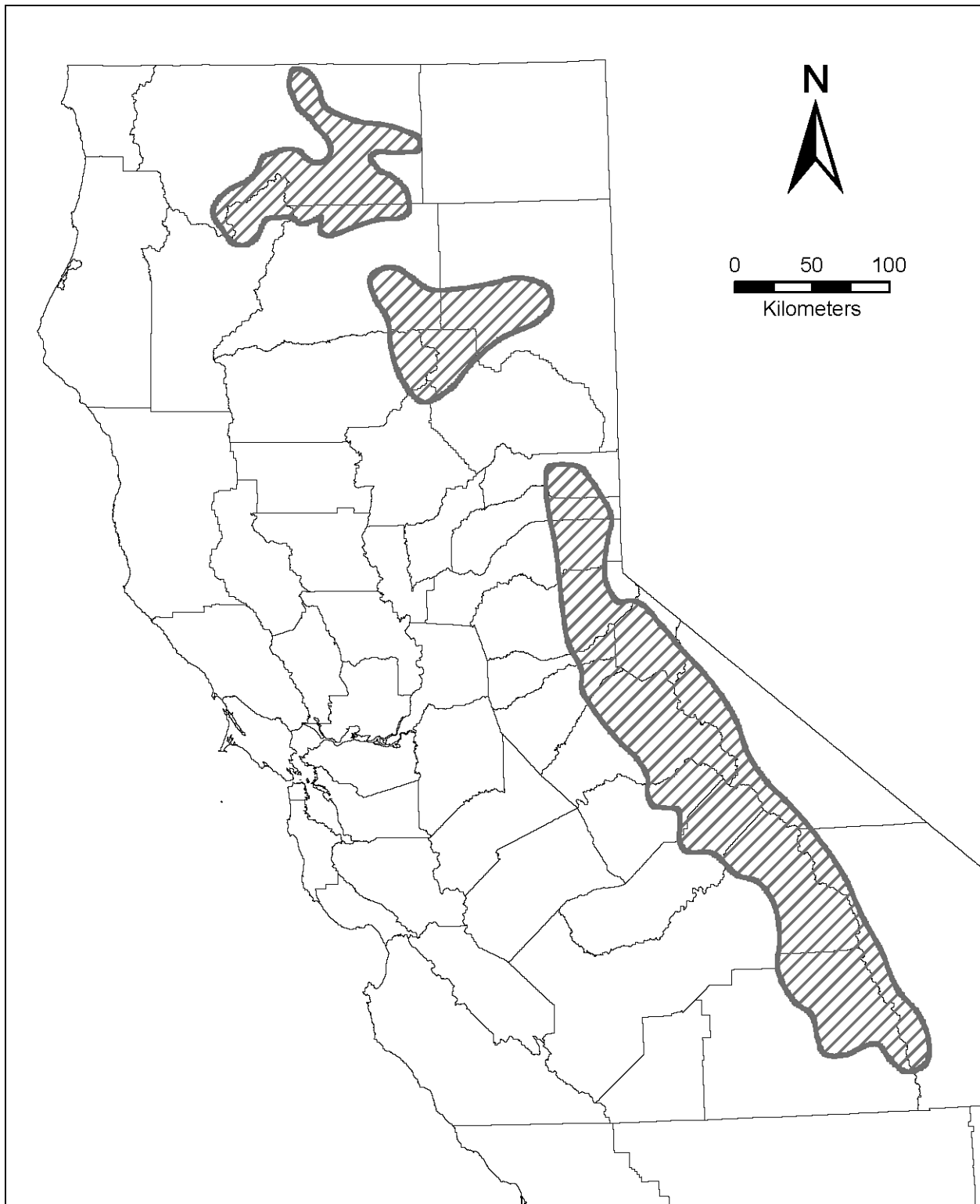
- Summarize current scientific knowledge and expert opinion about the status of the native red fox in the Sierra Nevada and southern Cascades in California.
- Summarize current information about the ecological conditions necessary for persistence of the species in the Sierra Nevada and southern Cascades in California.
- Identify and evaluate the relative importance of threats that may be affecting the species or its habitat.
- Develop options for species conservation, including the rationale for conservation considerations.
- Summarize existing research and identify key information gaps.

## **Areas of Uncertainty**

The ecology of mountain red foxes in North America is poorly known. Only three comprehensive ecological studies have been conducted: one in the Cascade Range of Washington and Oregon (Aubry 1983), one in Yellowstone National Park (Fuhrmann 1998), and one in the Lassen Peak region of northern California (Perrine 2005). Furthermore, few of the results from these studies have appeared in the peer-reviewed scientific literature. The paucity of targeted scientific research on these populations is a major factor complicating their effective management.

The majority of the scientific understanding of red fox ecology in North America is based upon research conducted in the eastern and midwestern United States (Aubry 1983) in profoundly different habitats than inhabited by the Sierra Nevada red fox. Some aspects of mountain red fox ecology may be significantly different from these other populations, but in the absence of local research, the results from these other populations represent the best available information on red fox ecology in North America. The information and conclusions in this document are based upon the best available ecological research. Information on montane populations is presented where available, and effort has been made to highlight areas of concern over the applicability of other information to the Sierra Nevada red fox.





**Figure 1. Historical range of the Sierra Nevada red fox (*V. v. necator*) in California based on Grinnell and others (1937).**

## Description and Taxonomy

The red fox (*Vulpes vulpes*) is a small canid with an elongated snout, large ears, slender legs and body, and a large bushy tail with a prominent white tip (Larivière and Pasitschniak-Arts 1996). Three color morphs or phases have been documented: red, cross and silver/black. In the red phase, the upper body and tail are yellowish to reddish brown, the cheeks and underside of the throat and abdomen are white, and the lower extremities and ear tips are black. The cross phase is more grayish-brown, with dark guard hairs forming a line down the back and another across the shoulders. In the black or silver phase, the head, torso and tail are all black with occasional silver guard hairs. In all three color phases, the tail usually retains its white tip (Voigt 1987; Larivière and Pasitschniak-Arts 1996). These color morphs are determined genetically, but all three may occur within the same litter (Voigt 1987). In most populations, the red phase is the most common and the other two phases are rare. However, cross foxes may be more prevalent in mountainous areas (Grinnell and others 1937; Larivière and Pasitschniak-Arts 1996; Aubry 1997). Many mountain red foxes in the United States have a distinctive grayish-blonde pelage (Bailey 1931, 1936; Grinnell and others 1937; Aubry 1983; Crabtree 1993; Perrine 2001; Swanson and others 2005).

In North America, adult red foxes typically weigh between 3.5 and 7.0 kg (table 1), with an average of 4.5 to 5.4 kg for males and 4.1 to 4.5 kg for females (Ables 1975; Voigt 1987). Mountain red fox seem to be slightly smaller than their lowland counterparts, possibly due to reduced productivity in their montane environment. A trapper interviewed by Grinnell and others (1937) noted that the typical weight of Sierra Nevada red fox was about 4.2 kg for males and 3.3 kg for females. In the recent Lassen Peak study, the male fox weighed 4.0 kg and the four females averaged 3.5 kg (Perrine 2005). In the Cascades of Washington, the average weight of two adult males was 4.3 kg and two adult females was 3.3 kg (Aubry 1983). In most populations, male foxes are about 20% heavier than females (Voigt 1987).

The Sierra Nevada red fox, *V. v. necator*, is one of ten currently recognized red fox subspecies in North America (Hall 1981). It is one of three subspecies of “mountain red fox,” along with the foxes of the Cascade Range (*V. v. cascadenis*) and the Rocky Mountains (*V. v. macroura*). These three subspecies are morphologically similar to each other and distinct from the other subspecies in North America (Roest 1977; Aubry 1983; Crabtree 1993). The mountain red foxes originated from the same source population, which was broadly distributed in the contiguous United States during the last glaciation but then retreated to boreal habitats in the western mountains after the glaciers receded (Aubry 1983; Aubry and others 2009). The other red fox populations in the United States arose from different lineages.

The taxonomy of California’s mountain red foxes has followed a circuitous, and almost circular, path. Prior to 1820, North American red foxes were not taxonomically distinguished from those in Europe, *Canis* [= *Vulpes*] *vulpes*: Linnaeus 1758; also sometimes referred to as *V. vulgaris* (e.g., Baird 1857). Desmarest (1820) argued that the New World red fox constituted a distinct species, *Canis* [= *Vulpes*] *fulvus*. The three color phases were identified as separate races or subspecies: *fulva* for the red phase, *decussatus* for the cross phase, and *argentatus* for the black phase. Baird (1857) claimed that red foxes in western North America were distinct from those of the east, and he assigned them to *V. macrourus*. Merriam (1899) used this designation for the red foxes inhabiting California’s Mount Shasta, but revised it the following year, describing the Sierra Nevada red fox, *V. necator*, and the Cascade red fox, *V. cascadenis*, as distinct species (Merriam 1900). The type specimen of *V. necator* was collected in 1891 near Mount Whitney at 2,900 m elevation. Merriam considered the Sierra Nevada red fox to be restricted to the southern Sierra, while the Cascade red fox occurred throughout the Cascade Range of northern California, Oregon, and Washington. By 1929, the mountain red foxes were recognized as subspecies of the North American red fox, *V. fulva* (Seton 1929). Grinnell and others (1930) considered the red fox of

the Lassen region of northern California to be *V. f. nicator*, not *V. f. cascadenis*, and they later concluded that their specimens supported the recognition of only a single race of mountain red fox in California (Grinnell and others 1937). Whether the state border represented a biologically appropriate range limit for *V. f. nicator* was not addressed. The current taxonomy arrived when Churcher (1959) showed that the North American red fox was indeed conspecific with the Old World red fox, *V. vulpes*. It has been suggested, however, that red fox taxonomy in North America should be revised to no more than four subspecies, with the mountain red foxes comprising only one subspecies: *V. v. macroura* (Roest 1979). A final resolution of the taxonomy, presumably using molecular methods, remains to be conducted.

In addition to the indigenous Sierra Nevada red fox, California is also home to multiple low elevation red fox populations of uncertain taxonomic status. Grinnell declined to provide a subspecies designation for the red foxes inhabiting the Sacramento Valley because he suspected that this population had likely been introduced to California by humans (Grinnell and others 1937). This conclusion was reinforced by Roest (1977), who found that red foxes from the Sacramento Valley were morphologically most similar to the Great Plains red fox (*V. v. regalis*). By the 1990s, the “valley fox” was no longer restricted to the Sacramento Valley but ranged throughout the entire Central Valley and the coastal regions from Marin to San Diego (Lewis and others 1999). A genetic analysis of lowland red foxes collected from the San Francisco Bay Area, Monterey County and near Los Angeles concluded that the populations in these areas likely arose from multiple introduction events from multiple source populations (Fitzpatrick 1999). However, a subsequent genetic analysis of lowland and montane red fox populations throughout California suggested that the situation may be more complicated, with the Sacramento Valley population possibly being native and closely related to the Sierra Nevada red fox and other western mountain subspecies, whereas the populations in the San Francisco Bay Area and southern California likely originated from outside of California and possibly outside of North America (Perrine and others 2007). Follow-up analyses are currently being conducted by a team led by Dr. Benjamin Sacks of UC Davis, and their findings will likely have profound impacts upon the taxonomic status and management of the various populations of lowland red fox in California. Range expansion by exotic red foxes and the implications for the conservation of the native Sierra Nevada red fox are discussed in more detail below.



**Table 1.** *Body measurements of red foxes.*

<b>Total Length (mm)</b>	<b>Mass, Ave. (kg)</b>	<b>Mass, Range (kg)</b>	<b>Sample Size</b>	<b>Location</b>	<b>Source</b>
993	3.9	3.6 - 4.0	2 subadult and 1 adult males	Sierra Nevada, CA	Grinnell and others 1937 <sup>a</sup>
944	3.3	2.9 - 3.6	1 subadult and 2 adult females		
1,040	4.0	NR	1 male, possibly subadult	Lassen Peak / Mineral, CA	Perrine 2005
978	3.5	2.9 - 3.8	4 females, includes subadults		
1,070	NR	3.6 - 5.4	3 males	Mount Adams, WA	Bailey 1936
NR	4.25	4.0 - 4.5	2 adult males	Mt. Rainier, WA	Aubry 1983
NR	3.3	2.7 - 3.7	2 subadult and 2 adult females		
1,080	NR	NR	1 male	Liberty, NM	Bailey 1931
992	NR	NR	1 female	Taos Mountains, NM	
1,015	NR	3.6 - 5.4 <sup>b</sup>	1 subadult male	Wind River Mountains, WY	Bailey 1936
NR	4.0	NR	not reported	Yellowstone National Park	Crabtree and Sheldon 1999
NR	4.5	NR	4 adults	Point Mugu, CA	Klope 1983
NR	3.7	NR	5 subadults		
NR	5.3	4.0 - 6.1	47 males	Tippecanoe County, IN	Hoffman and Kirkpatrick 1954
NR	4.2	3.3 - 5.7	52 females		
1,011	5.0	4.1 - 7.0	33 adult males	Illinois and Iowa	Storm and others 1976
954	4.0	3.0 - 4.7	35 adult females		
1,026	4.1 <sup>c</sup>	NR	37 adult males	southern Ontario	Voigt 1987
973	3.4 <sup>c</sup>	NR	37 adult females		
NR	3.1	2.9 - 3.3	21 males	Thumamah Reserve, Saudi Arabia	Macdonald and others 1999
NR	3.0	2.8 - 3.3	20 females		

NR = not reported. Unless otherwise noted, measurements at time of first capture.

<sup>a</sup> Grinnell and others (1937) also quoted a fur trapper who claimed that average weight for males and females was 4.2 and 3.3 kg, respectively.

<sup>b</sup> Bailey reported that this fox weighed "about 8 to 12 pounds."

<sup>c</sup> Skinned weight.

## Distribution and Population Density

The red fox has the most extensive natural distribution of any terrestrial carnivore, inhabiting much of North America, Europe, Asia and the northern extremes of Africa (Voigt 1987; Nowak 1999). Additionally, the red fox was introduced to Australia around 1865, where it has flourished (Lloyd 1980). This extensive geographic range is largely a product of the unspecialized and adaptable nature of the red fox and its broad tolerances for many types of habitats and foods (Lloyd 1980). However, this characterization of the species contrasts starkly to that of the Sierra Nevada red fox and the other North American mountain subspecies, which are generally considered to have restricted distributions due to habitat or dietary specializations (Buskirk and Zielinski 2003).

Within their range, red fox population densities may vary by several orders of magnitude depending on the carrying capacity of their habitat. Densities may range from 1 fox per 30 ha in good habitat to 1 fox per 4,000 ha in poor habitat (Lloyd 1980). Higher densities, up to 1 fox per 3 ha, may occur in urban areas due to human-subsidized resource abundance (Voigt and Macdonald 1984; Voigt 1987). A wide variety of methods have been used to assess population densities, including standardized traplines, track counts, aerial census of dens, hunting and trapping harvest, bounty records, questionnaires, and sightings by rural mail carriers and school children (Larivière and Pasitschniak-Arts 1996).

Historically, the Sierra Nevada red fox occurred throughout the high elevations of the Sierra Nevada from Tulare County northward to Sierra County, and from Mount Shasta and Lassen Peak westward to the Trinity Mountains of Trinity County (Grinnell and others 1937). Within this range, Grinnell and others (1937) recognized three main population centers: the Shasta/Lassen region, the high Sierra near Mono Lake, and near Mount Whitney. Red foxes are apparently absent from the Coast Range (Grinnell and others 1937; Schempf and White 1977). Although the Sierra Nevada red fox seems to range from 1,200 to 3,600 m in elevation, it is seldom sighted below 1,500 m and is seen most often above 2,100 m (Grinnell and others 1937; Schempf and White 1977).

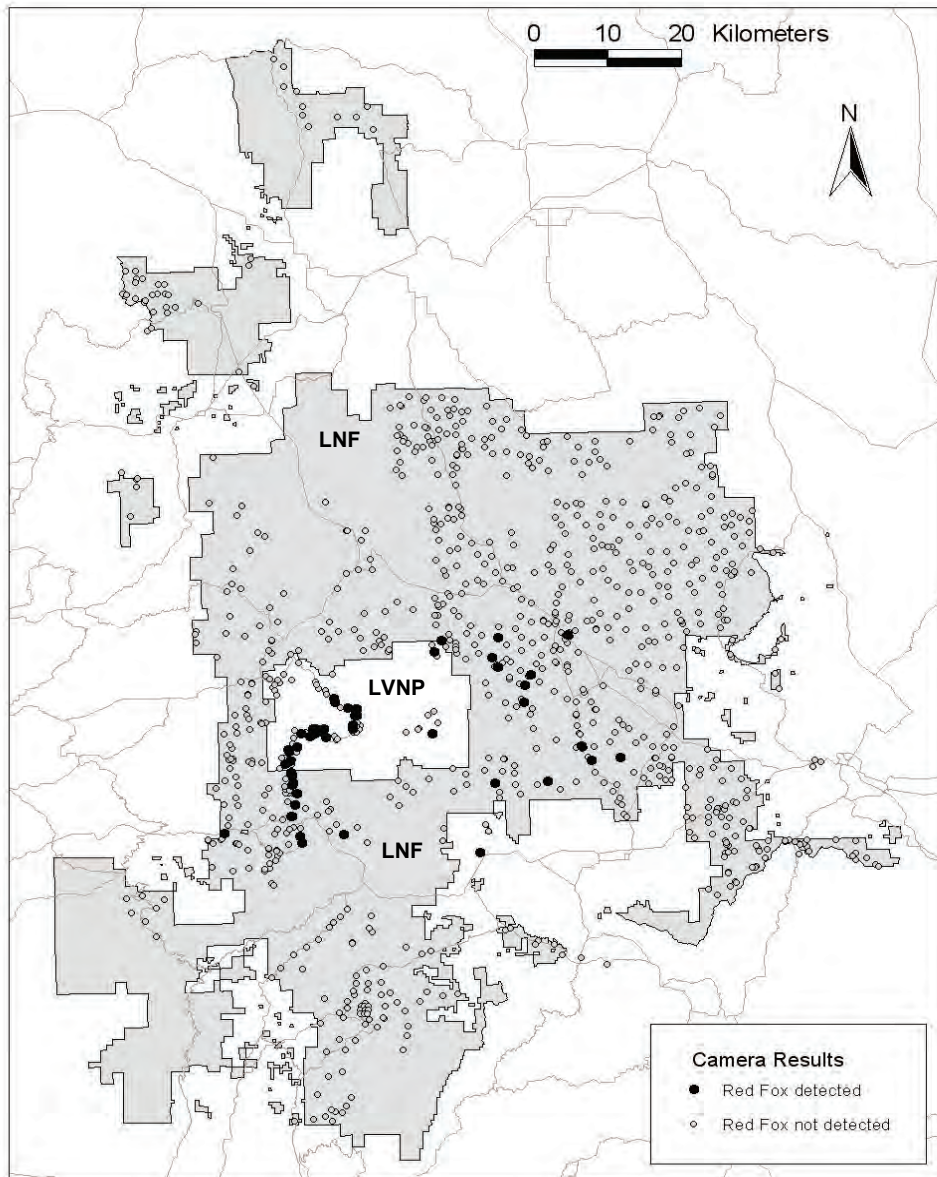
The current distribution and population status of the Sierra Nevada red fox are uncertain (CDFG 1996). In the decades following the publication of Grinnell and others (1937), the largest concentration of sightings in northern California was near Lassen Volcanic National Park, with more than one third of all collected records (Schempf and White 1977). The Lassen Peak region accounts for the only verified recent detections of mountain red fox (Kucera 1993 and 1995; Perrine and Arnold 2001; Perrine 2005). Carnivore surveys conducted in this area from 1992-2002 using baited camera stations detected red fox only in a small area within Lassen Volcanic National Park and the surrounding Lassen National Forest, at a median elevation of 2,000 m (range: 1,379-2,612 m) (*fig. 2*). A field ecology study of the Lassen red fox population was conducted from 1998-2002 (Perrine 2005) and the results are summarized throughout the "Ecology" section below. A genetic comparison of this population and other specimens collected throughout California concluded that the Lassen red foxes were indeed a remnant of the native Sierra Nevada red fox (Perrine and others 2007).

It is unclear whether the Sierra Nevada red fox persists outside of the Lassen Peak region. Although most National Forests within the historic range of the Sierra Nevada red fox have recently conducted carnivore surveys using trackplates and remotely-triggered cameras, none but the Lassen National Forest has detected red fox (*fig. 3*). A systematic survey (Zielinski and others 2005) of the entire Sierra Nevada and southern Cascade region of California, utilizing a combination of track plates and camera stations at each sample point, did not detect red fox anywhere within the historic range of the Sierra Nevada red fox (*fig. 4*). In Sequoia and Kings Canyon National Parks, a survey for marten (*Martes*

*americana*) and fisher (*M. pennanti*) using baited track plates and camera stations (Green 2006) and a survey for wolverine (*Gulo gulo*) using baited camera stations (Institute for Wildlife Studies 2006) both failed to detect red foxes. Similarly, a fisher survey using baited camera stations in Yosemite National Park in the early 1990s also detected no red foxes (Les Chow, U.S. Geological Survey, pers. comm.). Although these results are troubling, they may merely indicate that surveys targeting other carnivores, such as *Martes*, do a poor job of detecting red foxes. Since Schempf and White's 1977 summary and analysis, red fox sightings have been reported throughout much of the historic range of the Sierra Nevada red fox (fig. 5). Biologists at Yosemite National Park have received only ten red fox sighting reports since 1977, most of which occurred in or near Yosemite Valley (Les Chow, U.S. Geological Survey, pers. comm.). Unfortunately, sighting reports are notoriously inaccurate, and without a photograph or voucher specimen, it is impossible to confirm whether the sighting was of a red fox or some similar canid such as a gray fox or coyote. The last reliable sighting in the Sequoia National Park and the nearby Sequoia National Forest occurred in 1993 (David Graber, National Park Service, pers. comm.). A red fox was photographed in the winter of 1990-1991 at the Tioga Pass Resort (2,940 m) on the Inyo National Forest, just outside Yosemite National Park (Les Chow, U.S. Geological Survey, pers. comm.). According to Graber and Chow, the low number of sighting reports suggests that it is unlikely that significant red fox populations exist in Sequoia-Kings Canyon and Yosemite National Parks.

The Sierra Nevada red fox likely occurs at low population densities even within areas of high relative abundance. Grinnell and others (1937) reported that it was "not really numerous anywhere" and "its numbers are relatively small even in the most favorable territory." Trappers they interviewed believed that the red fox occurred at densities of about 1 per square mile (260 ha). Similarly, the density of Cascade red fox in Oregon is unclear (Verts and Carraway 1998). There is also some question as to whether the Sierra Nevada red fox is rare or just rarely seen. Grinnell and others (1937) considered it highly elusive, suggesting that tracks and scat may be the only evidence of its presence, while Schempf and White (1977) described it as "rare" throughout the Sierra Nevada. Similarly, an abundance of sightings is not necessarily indicative of a large local population. Most of the hundreds of red fox sightings reported in Lassen Volcanic National Park were due to three human-acclimated individuals (Perrine and Arnold 2001).

With both total range and population density unknown, no population estimate can be calculated for the Sierra Nevada red fox. If calculated, such an estimate would require impractically wide confidence intervals to incorporate all the necessary assumptions regarding the total range and the extent and density of occupied habitat.



**Figure 2. Red fox detections and sampling effort by baited camera stations on the Lassen National Forest (LNF) and Lassen Volcanic National Park (LVNP), 1992-2002. Red foxes were detected by 53 of 998 camera stations. Red fox detections (dark circles) were concentrated in the highest elevations in the region, especially in the western portion of the park, near the town of Mineral just south of the park, and along the perimeter of the Caribou Wilderness east of the park. (Data from Perrine 2005.)**

## Red Fox Survey Data: 1 January 1996 - 31 March 2002

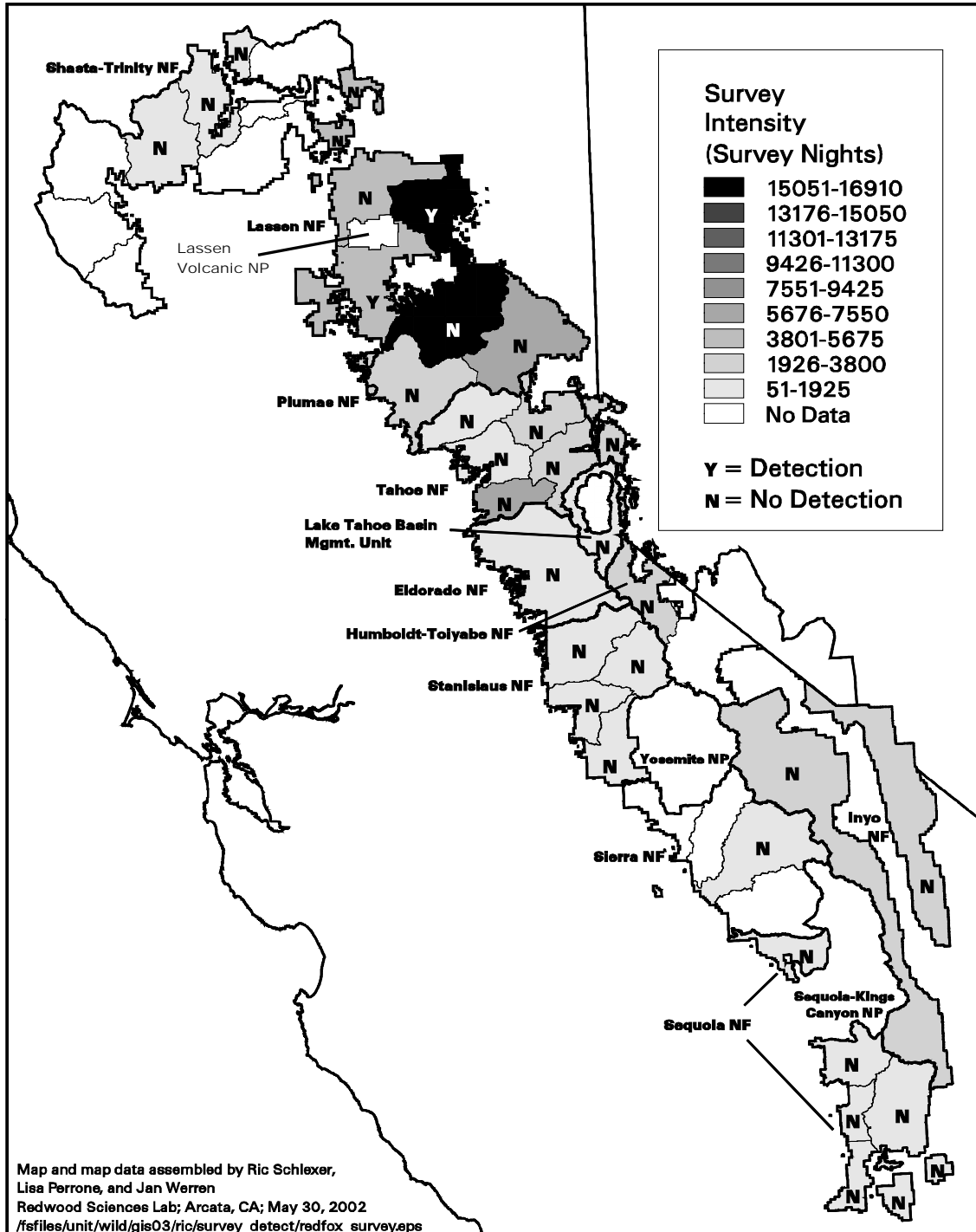
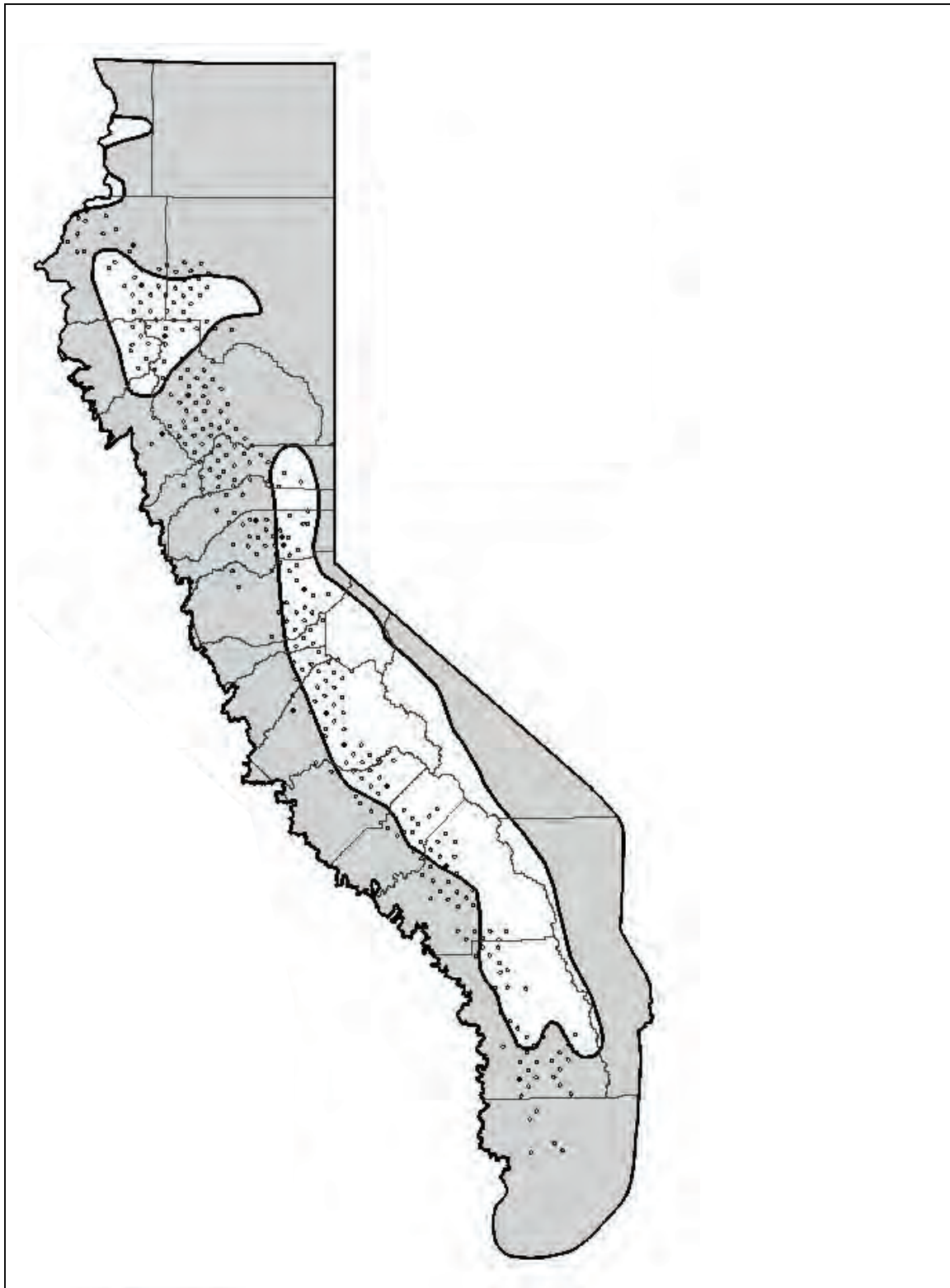


Figure 3. Survey effort and occurrence of red fox in the Sierra Nevada and southern Cascades by National Forest. Carnivore surveys were conducted using sooted track plates and remotely-triggered cameras and may have targeted species other than red fox. Red foxes were detected only on the Lassen National Forest.





**Figure 4. Distribution of systematic carnivore survey locations (1996-2002) within the historical range (white area) of the Sierra Nevada red fox (*V. v. necator*). No red foxes were detected during these surveys. Each point represents a star-shaped array of 6 sooted track plates and 1-2 remotely-triggered cameras. (Data from Zielinski and others 2005.)**

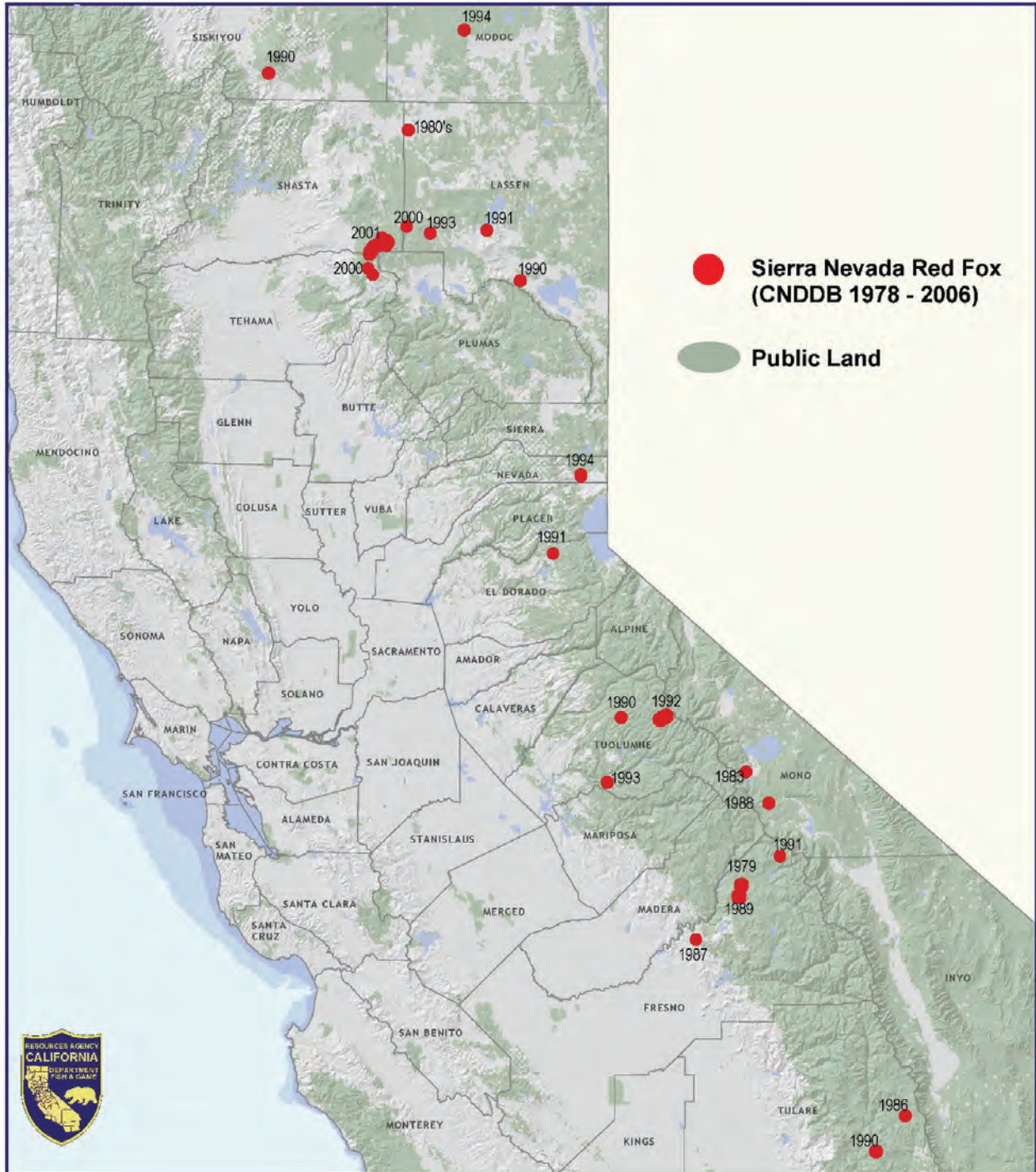


Figure 5. Distribution of Sierra Nevada red fox sightings reported to California Department of Fish and Game since 1977.

## ECOLOGY

The red fox is one of the world's most widespread and thoroughly studied carnivores (Lloyd 1980; Voigt 1987). Although numerous red fox studies have been conducted in North America, the vast majority have addressed populations in the eastern and midwestern regions. Consequently, little is known of the habitat requirements, activity patterns, food habits, reproductive ecology, population density, and other ecological characteristics of red foxes in the mountains of the western United States (Aubry 1983 and 1997). Published reports on these populations are largely limited to statewide or regional summaries of vertebrate natural history (e.g., Bailey 1931 and 1936; Grinnell and others 1937). Additional sources of information include trapping records, sighting reports, and reviews of museum specimens (Lewis and others 1995).

Targeted ecological investigations of mountain red fox populations in the United States are extremely sparse, with only three studies conducted to date: a PhD dissertation addressing the red fox of Washington and Oregon (Aubry 1983), an MS thesis on the red fox of the northern Yellowstone region (Fuhrmann 1998), and a PhD dissertation on the red fox of the Lassen Peak region of northern California (Perrine 2005). To date, virtually none of the results from these studies have appeared in the peer-reviewed scientific literature.

Overall, the characterization of the Sierra Nevada red fox as "the least well known furbearer in California" (Schempf and White 1977) remains true more than three decades later.

### ***Population Ecology***

The red fox is predominantly monogamous (Lloyd 1980), although polygamy has been reported in a few instances (Voigt 1987). Females are monoestrous with mating occurring over several weeks in late winter and early spring, with the specific dates varying with latitude (Ables 1975; Storm and others 1976; Voigt 1987) and probably with elevation (Samuel and Nelson 1982). The proportion of non-breeding or barren females varies greatly among populations, ranging from less than 5% to greater than 45%, and is probably a function of population density, food supply, and mortality rate (Englund 1970; Harris 1979; Lloyd 1980; Voigt 1987). The gestation period is 51 to 53 days, with birth occurring from March through May (Voigt 1987). Estimates of litter sizes vary depending on whether live pups, embryos or placental scars are the unit of measure. Despite this, litter sizes are relatively consistent across published studies (*table 2*), with an average of five to six pups and a maximum of 12 (Ables 1975; Samuel and Nelson 1982; Larivière and Pasitschniak-Arts 1996). Litters larger than 12 pups probably represent communal denning by more than one female. The pups weigh 70 to 120 g at birth (Storm and Ables 1966).

The young are born in a sheltered den, usually an excavated burrow or protected cavity among boulders or beneath tree roots (Lloyd 1980). Red foxes may also use abandoned woodchuck / marmot (*Marmota* spp.) or badger (*Taxidea taxus*) burrows (Samuel and Nelson 1982). These dens may be used for many generations (Lloyd 1980). The pups remain in the den for their first month, and may be moved to other dens several times before they are six weeks old (Storm and others 1976). The pups are weaned by eight to 10 weeks and then may travel short distances from the den unaccompanied by a parent (Ables 1975; Storm and others 1976). By their twelfth week, the young foxes begin to explore their parents' home range during daylight. Their activity remains centered on the den site, and they remain with their

mother throughout the summer. Dispersal occurs in early fall when the pups are fully grown (Ables 1975; Storm and others 1976). Both males and females are capable of breeding their first winter (Ables 1975; Samuel and Nelson 1982), although their success rate may be lower than older adults (Lloyd 1980).

Little is known about the reproductive biology of the Sierra Nevada red fox or other mountain red foxes in North America. Snow tracking records (Grinnell and others 1937; Verts and Carraway 1998) suggest they are probably monogamous. In California, they likely breed in mid-February and give birth in early April. Grinnell and others (1937) reported that Sierra Nevada red fox litters averaged six pups and ranged from three to nine pups. The weight of evidence behind this conclusion is unclear although the range apparently reflects trappers' reports. Other sources indicate that litters of two to three pups may be more typical for mountain red foxes. Sighting records at Lassen Volcanic National Park include a single report of a mother fox and three pups near Hat Creek in August 1979, and the 1993 sightings from Yosemite National Park and the Sequoia National Forest were of a mother with two pups. An uncollared fox on Lassen Peak in 1999 raised only two pups. Three collared females in the Lassen population were tracked for 3-5 breeding seasons and produced no litters despite the presence of a male fox in the local vicinity; necropsy of one of these females confirmed her nulliparity (Perrine 2005). In 1980, Aubry (1983) captured and radio-collared a family group consisting of an adult male, an adult female and two female pups. The following year one of these pups produced her own litter of three pups, at least one of which died by mid-June. Neither the other female pup nor her mother reproduced in 1981. None of seven adult female red foxes monitored by Meia and Weber (1993) in the Swiss Jura Mountains (1,000-1,300 m) bred, but one had reared pups just before the study began. Bailey (1931) estimated that mountain red fox in New Mexico had a *maximum* litter size of six pups, which is the *average* litter size in most other populations. In general, red fox reproductive output is strongly correlated with local food availability (Voigt 1987). It is possible that limited resources prevent mountain red foxes from achieving the reproductive output typical of populations in more productive environments. Whatever the cause, mountain red foxes appear to be at the lower range of typical litter size for the species.

Similarly, little data exist on the types of den structures used by Sierra Nevada red foxes. The den site of the only known reproducing female in the Lassen Peak study was never discovered or characterized because the fox was uncollared (Perrine 2005). Grinnell and others (1937) reported that Sierra Nevada red foxes did not use earthen dens, instead preferring natural cavities in rockslides or talus slopes; as above, this likely reflects reports from trappers. Bailey (1936) noted that Rocky Mountain red fox dens were located under rocks or in holes dug near rocky cover to provide refuge from coyotes. In New Mexico, Bailey (1931) noted a red fox den among the boulders above treeline, but also mentioned their "burrows," suggesting that earthen dens were common. In Washington, Cascade red foxes used earthen dens, some with multiple entrances, typically located in heavily timbered stands (Aubry 1983). Den entrances averaged 25x25 cm, with fans of hard-packed dirt extending outward. One Cascade fox also denned under a vacant cabin (Aubry 1983), which has also been reported among red fox in the Rocky Mountains (Dirk Van Vuren, UC Davis, pers. comm.). Sierra Nevada red fox likely use whatever structures are available to them, whether among rocks or in the ground (Aubry 1997), but to date no accounts of earthen burrows in the mountains of California are known.

**Table 2.** Litter size estimates for red foxes.

# Pups Average	# Pups Range	Litters Examined	Den Type	Location	Source
2.5	2 - 3	2	1 earthen, 1 under cabin	Mount Rainier, WA	Aubry 1983
6	3 - 9	NR	under boulders	Sierra Nevada, CA	Grinnell and others 1937
7	2 - 13	9	not reported	Sacramento Valley, Colusa County, CA	Grinnell and others 1937
3.2	NR	NR	Burrows	Point Mugu, Los Angeles County, CA	Klope 1983
3.6	1 - 9	12	various; mostly burrows	Orange County, CA	Lewis and others 1993
6.8 <sup>a</sup>	4 - 13	30	NR	Tippecanoe County, IN	Hoffman and Kirkpatrick 1954
3.8	1 - 12	175	Primarily burrows	Illinois	Storm and others 1976
3.5	1 - 10	384	Primarily burrows	Iowa	Storm and others 1976
4.9	NR	210	Burrows	Michigan	Switzenberg 1950
4.2 <sup>a</sup>	NR	574	NR	North Dakota	Allen 1983
5	3 - 7	10	burrows and under buildings	central Alberta, Canada	Dekker 1983
4.7	NR	60	NR	southern Sweden	von Schantz 1984
3.8	NR	~80	NR	central Poland	Goszczyński 1989

NR = not reported.

<sup>a</sup> derived from embryo counts at necropsy.

## ***Mortality Factors, Survivorship Rates, and Population Structure***

Human-associated factors such as trapping, hunting and road-kills account for a significant proportion of red fox mortality in many populations (Storm and others 1976; Samuel and Nelson 1982; Voigt 1987; Larivière and Pasitschniak-Arts 1996; Verts and Carraway 1998). Populations in the Midwest sustain an annual harvest of tens of thousands depending on the state (Lloyd 1980). One of Aubry's (1983) seven radio-collared Cascade red foxes was killed by a local trapper. Trapping and hunting likely had a negligible effect upon the Sierra Nevada red fox due to the low numbers taken each year. Grinnell and others (1937) estimated the total harvest to be about 21 individuals annually, and they did not consider this to be a threat to the population. From 1940 through 1959, only 135 red fox pelts were taken throughout California, with exotic red foxes from the lowland population comprising an increasing portion of the statewide harvest after 1950 (Gould 1980). After 1959, the average annual harvest from the mountains was only two foxes (Gray 1975). Despite the low harvest levels, state resource managers were concerned about any preventable sources of mortality upon a species thought to be in decline. In response to this concern, the California Legislature prohibited trapping and other non-scientific take of red fox throughout the state in 1974 (Gould 1980). The moratorium remains in effect today. It is unknown whether this moratorium had any substantive effect upon Sierra Nevada red fox population levels, but a similar prohibition has likely contributed to the persistence of mountain red fox in Yellowstone National Park (Buskirk 1999).

Like many other predators in the Sierra Nevada, red fox populations probably suffered from predator-eradication programs associated with livestock production (Grinnell and others 1937). Sheep ranchers routinely placed poison in dead sheep, killing thousands of predators and scavengers. In addition, over-grazing of mountain meadows by livestock likely harmed Sierra Nevada red fox indirectly by reducing the forage available for prey species (Grinnell and others 1937). Eliminating the use of poisons and reducing sheep allotments at high elevations in the Sierra undoubtedly benefited Sierra Nevada red fox conservation, although the absolute effects can only be surmised.

Sources of red fox mortality not directly associated with humans are poorly known (Ables 1975). Larger carnivores such as wolves, mountain lions, and domestic dogs may occasionally kill red foxes (Larivière and Pasitschniak-Arts 1996), but these events likely pose little population-level threat. A domestic dog killed one fox in the Lassen Park study (Perrine 2005). Golden eagles occasionally prey upon red foxes (e.g., Tjernberg 1981) and Grinnell and others (1937) considered them to be an important potential predator on the Sierra Nevada red fox. Bobcats may occasionally kill red foxes, especially juveniles or injured individuals (Grinnell and others 1937). Studies throughout North America have shown coyotes to be important competitors for red foxes, chasing them and occasionally killing them (Dekker 1983; Sargeant and Allen 1989). (See the "Community Interactions" section below for more detail.)

Diseases and parasites can also cause significant mortality in red fox populations. Rabies and distemper are the two diseases most commonly associated with red foxes (Ables 1975; Samuel and Nelson 1982; Nowak 1999). Other diseases include parvovirus, toxoplasmosis, canine hepatitis, tularemia, leptospirosis, and encephalitis, but these are not believed to control population densities (Voigt 1987). Many kinds of parasites, ranging from ticks and fleas to nematodes, trematodes, heartworms, and protozoans, have been documented in red foxes (Larivière and Pasitschniak-Arts 1996). Sarcoptic mange, caused by a mite infection, is usually fatal to red foxes (Samuel and Nelson 1982). In general, little is known about the effects of disease or parasites on mountain red foxes. Grinnell and others (1937) made no mention of parasites or disease of red fox in the Sierra Nevada. Trematodes,

cestodes and nematodes have been documented in Cascade and Sierra Nevada red foxes (Aubry 1983; Perrine 2005).

Although mortality rates, sex ratio, demographic structure and longevity have been examined in many red fox populations worldwide (Lloyd 1980), these data are derived almost exclusively from populations under heavy harvest pressure, which skew the results. For example, hunting and trapping typically take more males than females and more juveniles than older adults (Ables 1975; Lloyd 1980; Samuel and Nelson 1982). But more important than these biases, which may be corrected for, is the effect of such harvest pressure upon the population's overall demographic structure. According to Minta and others (1999: 341), "Human modification in the form of fur harvest, predator control, and hunting acts as a nonrandom, non-compensatory form of mortality, alters other demographic processes, and may disrupt social organization." Specifically, heavy hunting and trapping pressure decreases adult survival, shortens longevity, increases the proportion of young foxes in the age distribution, and decreases the male:female sex ratio (Lloyd 1980; Minta and others 1999). Therefore, demographic estimates derived from such populations cannot be assumed to extend to the Sierra Nevada red fox, which incurs no harvest pressure. No studies have calculated age-specific mortality rates, sex ratio, demographic structure, or longevity for Sierra Nevada, Cascade, or Rocky Mountain red foxes.

## **Habitat Relationships**

Worldwide, red foxes occur in a wide variety of habitats, including deserts, tundra, mountaintops, woodlots, meadows, agricultural fields, pastures, and urban areas (Lloyd 1980; Voigt 1987). Within these habitats, red foxes tend to select areas containing a mixture of vegetative types, structures and edges, and they avoid areas of unbroken or homogeneous vegetation (Ables 1975). Dense forests are apparently not widely used (Samuel and Nelson 1982), and shrub communities may be selected in some areas (Schofield 1960; Jones and Theberge 1982; Halpin and Bissonette 1988; Theberge and Wedeles 1989). Patterns of habitat selection may be complicated by weather conditions, prey availability, and interactions with competitors such as coyotes.

Little is known about habitat use or preference by the Sierra Nevada red fox other than their habitats seem to be those typical of the high Sierra. Grinnell and others (1937) reported that the Sierra Nevada red fox inhabited the Hudsonian and Canadian life zones, occurring above treeline, in mountain meadows and talus slopes, and in the subalpine woodlands of whitebark pine (*Pinus albicaulis*) and mountain hemlock (*Tsuga mertensiana*). In winter they descended to lower elevations (Grinnell and others 1937), presumably to red fir (*Abies magnifica*) and mixed conifer forests. Ingles (1965) described their habitats as the alpine fell-fields and the red fir and lodgepole pine (*P. contorta*) forests in the subalpine zone of the Sierra Nevada. Mountain red foxes in Oregon and New Mexico also occurred primarily in the Canadian life zone (Bailey 1931 and 1936). In Oregon, mountain red foxes were absent from areas of dense timber and brush to the west of the Cascade crest and from the sagebrush (*Artemisia* spp.) zones to the east (Bailey 1936). Mountain red fox likely forage for rodents in mountain meadows, openings in conifer stands, and among the talus slopes and exposed ridges above treeline (Bailey 1931; Grinnell and others 1937; Aubry 1983).

Perrine (2005) used a combination of baited camera stations and telemetry to determine habitat utilization by Sierra Nevada red foxes in the Lassen region. Habitat attributes at the scale of the individual camera station were not analyzed statistically due to concerns about independence among the cameras, but several trends were evident. The distribution of red fox detections appeared more restricted

than for marten: red foxes were detected at fewer camera stations (53 vs 132), at slightly higher elevations (2,000 m median, 1,379-2,612 m range vs 1,959 m median, 1,305-2,612 m range) across a smaller geographic area (935 km<sup>2</sup> vs 2,460 km<sup>2</sup>; 95% Minimum Convex Polygon [MCP]), and in slightly fewer community types (9 vs 10 California Wildlife Habitat Relationships communities). Specifically, red foxes were detected in barren, conifer and shrub habitats at high elevations, but not in habitats of similar structure (e.g., sagebrush) at lower elevations. Multivariate analysis of 260 ha (1 mi<sup>2</sup>) sampling units indicated that red fox detections were positively associated with elevation and highway extent (the latter likely due to sampling bias; see *fig. 2*) and negatively associated with the extent of shrub and herbaceous cover; in winter, detections were also positively associated with the extent of forest comprised of large trees (>60 cm DBH) with >40% canopy closure. In the summer, radio-collared red foxes (one male and three females) all selected barren habitats and avoided mid-elevation conifer, hardwood and herbaceous community types; shrub and high-elevation conifer communities tended to be used in proportion to their availability (but one fox selected shrub communities and another avoided high-elevation conifers). Winter habitat selection was not assessed due to uncertainty about the home range boundaries, but the winter home ranges were dominated by Sierran Mixed Conifer, Red Fir, Montane Chaparral and White Fir Forest California Wildlife Habitat Relationships (CWHR) communities. The collared foxes used a variety of structures as day rests. In summer, dense stands of young red fir (<5 m tall) were frequently used, as were spaces under large boulders amidst talus slopes, and open gaps among manzanita shrubs. In winter the foxes used cavities under fallen logs and trees, along with the hollows formed under the drooping lower boughs of snow-laden conifers. No day rests in earthen dens or dug-out cavities were found. Occupied day rest sites, ranked by frequency, were in barren, high-elevation conifer (Red Fir and Subalpine Conifer), mid-elevation conifer (White Fir, Lodgepole Pine and Sierran Mixed Conifer), and shrub (Montane Chaparral) communities in summer, and in mid-elevation conifer (Sierran Mixed Conifer and White Fir), shrub (Montane Chaparral) and Aspen communities in winter. These patterns reflect the seasonal elevation movement by the collared foxes, discussed in further detail below.

Aubry (1983) conducted a radio-telemetry study of the Cascade red fox at two sites near the northeast corner of Mount Rainier National Park in Washington. Both sites were in mountain hemlock woodlands and contained extensive subalpine meadows dominated by mountain bunchgrass (*Festuca viridula*). One additional study animal was captured in the open grand fir (*A. grandis*) forest near the town of Conconully. Aubry did not provide more detailed descriptions of the habitat types, or their relative use, within the home ranges of his animals.

Benson and others (2005) used snow tracks to infer the use of cover by red fox near Lassen Volcanic National Park. The foxes used open areas less and forest cover more than expected based on the availability of these habitat types. At clearings, the foxes tended to follow the forest side of the edge as opposed to moving straight into the openings. They also documented red foxes walking in ski and snowshoe tracks. These data suggest that the foxes may select areas where packed snow facilitates travel, and may avoid areas where they would be exposed to attack by other predators. Although sample sizes were low, this study represents the only published analysis of mountain red fox habitat use in California.

Sighting reports provide the only other information of habitat use by Sierra Nevada red fox. In the northern Sierra Nevada, sightings have been recorded about equally in fir and mixed conifer, with additional sightings in mixed pine and lodgepole pine. In the southern Sierra Nevada, reports were predominately from mixed conifer forests with additional sightings in lodgepole pine and fir (Schempf and White 1977). Red fox sightings on the Lassen National Forest in winter have been in mixed conifer and red fir forests above 1,500 m (Tom Rickman, Lassen National Forest, pers. comm.). Sightings in Lassen Volcanic National Park in 2000 and 2001 were concentrated in campgrounds, parking areas and along the main park road, reflecting the distribution of humans and 2-3 begging red foxes (Perrine and



Arnold 2001). Nevertheless, habitats for these areas included mixed conifer and red fir forests, mountain hemlock and whitebark pine woodlands, talus slopes and mountain meadows, suggesting that begging behavior did not change the foxes' principal habitat associations.

An important additional habitat attribute for Sierra Nevada red fox populations may be remoteness from human presence. Trappers interviewed by Grinnell and others (1937) considered the Sierra Nevada red fox to be the "wildest wild creature" with "greater fear of man and his scent than all the other fur bearers combined." Like the wolverine, the Sierra Nevada red fox may be extremely sensitive to human presence. If so, this would be a marked departure from the species' characteristics in other areas, where they have thrived in human-dominated habitats. However, nothing is known of how Sierra Nevada red foxes respond to increased human presence or disturbance. Such interactions may be complex and may depend upon other ecological factors. For example, in areas where competition with coyotes is important, human-dominated areas can provide important refugia for red foxes (Gosselink and others 2003). Human residences may also provide food and denning locations. Red foxes in the Lassen area of California clearly use roads as movement corridors to facilitate both daily and seasonal movements, with some individuals foraging along the roads as well (Perrine 2005). Several foxes in the Lassen area became quite acclimated to humans, posing problems at some campgrounds and parking areas (Perrine 2005).

In the absence of demographic data, habitat associations must be interpreted with care. Densely inhabited habitats may not be preferred or even sufficient to sustain their populations (Van Horne 1983; Pulliam 1988). In some areas, competition with coyotes has relegated red foxes to sub-optimal habitats (Harrison and others 1989; Fuller and Harrison 2006). Under such conditions, optimal habitats may appear unused and sink habitats may appear preferred. Habitat-specific survival and fecundity rates are necessary to accurately assess habitat relationships and requirements (Garshelis 2000). Unfortunately, such data are unavailable for mountain red foxes.

## ***Home Range and Territoriality***

Globally, red fox home range sizes vary widely, from 10 ha to 3,400 ha (*table 3*), depending on habitat type and food availability (Ables 1975; Samuel and Nelson 1982; Voigt 1987). For example, red foxes in the urban areas of Bristol and Oxfordshire, UK, had among the smallest home ranges in the literature, 45 ha on average, presumably due to abundant resources (Harris 1980; Voigt and Macdonald 1984). In Wisconsin, mean MCP was 141 ha (range: 71-220 ha) but the foxes were tracked for only 11-148 days (Ables 1969). Exotic red foxes in Orange County, California had average MCP home ranges of 427 ha (Lewis and others 1993). Family groups in Minnesota occupied areas that were  $\leq 960$  ha (Storm and others 1976). In Ontario, home ranges were 900 ha (range: 500-2,000 ha), typical of most studies in the agricultural areas of central and eastern North America (Voigt and Tinline 1980; Voigt 1987). Red foxes at high latitudes have the largest home ranges, reflecting reduced habitat productivity due to the short growing season. Red foxes in eastern Maine had mean annual MCPs of 1,470 ha (range: 600-2,750 ha; Harrison and others 1989). Summer home ranges for red foxes in the tundra of northwest British Columbia averaged 1,611 ha (range: 277-3,420 ha; Jones and Theberge 1982), and winter home ranges in Lapland were 3,000 to 5,000 ha (Heptner and others 1998). Note that all these studies used the MCP method, which is comparable among studies; the size of home ranges and core areas constructed using fixed or adaptive kernel methods are not (Kernohan and others 2001). Within a habitat, home ranges often increase in winter due to decreased prey availability or increased energetic demands associated with reproduction (Ables 1975; Aubry 1983). Breeding females may have smaller home ranges in the

weeks following parturition, when they remain in the den nursing the pups (Ables 1975; Samuel and Nelson 1982). Adult red foxes typically occupy the same home range for most of their life (Ables 1975).

Sierra Nevada red foxes in the Lassen Peak region had extremely large seasonal home ranges and a pronounced elevational migration. Perrine (2005) conducted radio-telemetry on five red foxes from 1998-2002, with individual animals tracked from three to 60 months. In the summer, the collared foxes (one male and three females) occupied the western half of Lassen Volcanic National Park and had an average home range size of 2,323 ha, with individual HRs ranging from 262 to 6,981 ha (95% MCP, based on >20 locations). Detection elevations ranged from 1,755 to 3,130 m, with an average of 2,416 m across the four foxes. In winter, the foxes descended to lower elevations, usually several km south of their summer ranges. Winter home ranges for five collared foxes (one male, four females) averaged 3,131 ha, with individual HRs ranging from 326 to 6,375 m. However, the true winter HR sizes may significantly larger, as telemetry was biased by the difficulty of accessing the higher elevations on foot due to the heavy snowfall in the area (Perrine 2005). Aerial telemetry locations were less biased, and indicated that winter HRs were 439 m lower than summer locations, on average. The descent to the winter range seemed to coincide with the advent of heavy snowfalls at high elevations. Grinnell and others (1937) reported a similar seasonal elevational movement for Sierra Nevada red foxes, with the winter range being 150-300 m lower than the summer range. Grinnell and Storer (1924: 77) described a captured red fox from Big Meadows, near Yosemite, which they speculated may have been driven to lower elevations by unusually severe winter weather. The large home ranges observed in the Lassen population are near the upper extreme of the values in the literature, and suggest that food, rest sites or other important resources occur at low densities or are widely dispersed even in summer. The elevational shift to lower elevations suggests that these resources may become unavailable once the heavy snows begin on the summer range. Together, these factors may limit the local population size to less than might otherwise be expected (Perrine 2005).

Aubry (1983) tracked a total of seven radio-collared Cascade red foxes during three summers and one winter. Summer home ranges (100% MCP, n=10) averaged 235 ha and ranged from 26 to 1,166 ha. Excluding the largest home range as a possible outlier, the revised average was 132 ha. Winter home ranges (n=3) averaged 193 ha and ranged from 91 to 308 ha. His study animals did not exhibit any seasonal elevation shifts in habitat use, although their home range size increased in winter. The HR values for Cascade red foxes are similar to the 200 ha average reported for red fox home ranges in Yellowstone National Park (Crabtree and Sheldon 1999), and for the 260 ha (1 mi<sup>2</sup>) average estimated for Sierra Nevada red fox (Grinnell and others 1937). However, Aubry's home ranges may be underestimates. His seasonal sample sizes were small (11-34 locations per fox), so the MCPs may not have reached their asymptotes. Furthermore, Aubry conducted his telemetry during daylight, when the foxes were presumably resting. Since red foxes generally forage at night (Voigt 1987), omitting nocturnal locations can dramatically reduce home range estimates (Smith and others 1981).

Foxes use urine and other scents to delineate the boundaries of their territories, and interlopers may be chased or attacked (Samuel and Nelson 1982; Voigt 1987). Ables (1975) questioned whether red fox exhibited territorial behavior, but noted that the existence of non-overlapping home ranges was powerful evidence. Voigt (1987) concluded that home ranges are defended as territories, but that substantial overlap also occurred. Such overlap is likely to be more extensive in populations with large home ranges, as individuals have reduced opportunity for border defense (Goszczyński 2002). Perrine (2005) did not conduct any analyses of home range overlap or discuss any interactions among neighboring foxes in the Lassen Peak population of Sierra Nevada red fox. The home ranges of the two foxes in Aubry's Yakima Park study area (in Mount Rainier National Park) overlapped substantially, but these individuals were never located near one another. Aubry also captured a family group of four foxes

(an adult male, a lactating female, and two juvenile females) in his Crystal Mountain study area (near Mt. Rainier). Their home ranges overlapped as well, and the overlap zone included the likely natal den.

## ***Activity Patterns and Dispersal***

Red foxes are primarily nocturnal or crepuscular (Ables 1975; Voigt 1987). For example, foxes in Illinois became active up to two hours before dark and remained active until up to four hours after dawn (Storm 1965). Daytime foraging, however, is not uncommon, and may be more prominent during the winter (Ables 1975; Voigt 1987). A fox's travels during a typical day rarely exceed 10 km (Voigt 1987). Most areas within the home range are visited within a two-week period, with the fox often visiting the same area on several consecutive evenings (Voigt 1987). Telemetry and camera stations indicate that Sierra Nevada red foxes do little foraging during daylight hours, with most activity occurring between dusk and dawn (Perrine 2005). Similarly, Cascade red foxes were active throughout the day, with activity peaks in the early morning and late evening (Aubry 1983). Aubry did not conduct telemetry at night, so foraging behavior cannot be assessed. Daily movements by Sierra Nevada red foxes were comparable to those in most other populations: virtually all independent telemetry locations obtained less than 24 hours apart were within 10 km linear distance (Perrine 2005).

Information on the dispersal of mountain red foxes is extremely limited. Of the two juvenile females collared by Aubry (1983), one dispersed approximately 8 km before birthing a litter of pups, and the other remained near her original natal den. In general, young red foxes disperse between August and March, with the peak in October and November (Voigt 1987). Dispersal apparently occurs in "easy stages" rather than a tightly coordinated exodus (Ables 1975), and does not seem to be triggered by food limitations (Storm and others 1976). Juvenile males are more likely to disperse than females and generally travel two to three times as far (20-30 km for males vs 10-15 for females; Ables 1975; Storm and others 1976; Lloyd 1980; Voigt 1987). Foxes not dispersing their first season likely do so the following year (Storm and others 1976). Since dispersing individuals must cross occupied home ranges, dispersal distance is positively correlated with home range size. Therefore, poorer habitats are associated with longer dispersal distances (Voigt 1987). Distances may vary widely even within the same habitat type or population, and may range from 2 to 400 km (Ables 1975; Lloyd 1980). Dispersal distances greater than 200 km for males and 100 km for females have been documented in the Midwest (Storm and others 1976). One subadult male marked in Wisconsin was recovered nearly 400 km away in Indiana the following year, but this was considered exceptional (Ables 1965). Most recoveries of marked juveniles are within 16 km of their birthplace; however, such recoveries may underestimate dispersal distance because the individuals may not have reached their final destination at the time of capture (Ables 1975).

**Table 3.** Home range sizes (in ha) estimated for red foxes. (MCP = minimum convex polygon.)

Average	Range (ha)	Method	Comments	Location	Source
191	132 – 282	seasonal 95% MCP	2 males	Mount Rainier, WA	Aubry 1983
125 <sup>a</sup>	26 – 308		4 females		
311	104 - 440	NR	2 females, 1 male	Point Mugu, Los Angeles County, CA	Klope 1983
435	NR	MCP	11 adult males	Orange County, CA	Lewis and others 1993
415	NR		8 adult females		
197 <sup>b</sup>	116 - 353	seasonal MCP	7 adult females, 2 adult males	Jura Mountains, Switzerland	Weber and Meia 1996
852	NR	95% MCP	31 adults	Thumamah Reserve, Saudi Arabia	Macdonald and others 1999
131	63 - 270	MCP	9 males	Jervis Bay, New South Wales, Australia	Meek and Saunders 2000
132	60 - 210		5 females		
124	19 - 233	95% MCP	3 males, 2 females	Maremma Natural Park, Italy	Cavallini and Lovari 1994
1,611	277 - 3420	MCP	4 males, 3 females	Northwestern British Columbia, Canada	Jones and Theberge 1982
141 <sup>c</sup>	71 - 220	MCP	2 males, 5 females	Madison, WI	Ables 1969
1,990	NR	MCP	4 adults	western Maine	Major and Sherburne 1987
503 <sup>d</sup>	224 - 1087	seasonal 95% adaptive kernel	9 adults, summer	east-central Illinois	Gosselink and others 2003
1,404 <sup>d</sup>	246 - 3179		8 adults, winter		
1,470	600 - 2750	annual MCP	3 males, 3 females	eastern Maine	Harrison and others 1989
1,190 <sup>e</sup>	330 - 2120	annual MCP	15 families	North Dakota	Sargeant and others 1987

NOTE: Home range size can vary widely depending on the method used.

<sup>a</sup> not including 1 female on a different study site with a summer home range of 1,165.5 ha.

<sup>b</sup> not including 1 female with a home range of 3,383 ha.

<sup>c</sup> not including 1 male with a home range of 931 ha.

<sup>d</sup> median.

<sup>e</sup> family home ranges

## Food Habits

Probably no facet of red fox ecology has been more thoroughly studied than their food habits. More than a hundred studies have been conducted on red fox dietary patterns throughout a wide range of countries and habitats (Ables 1975; Lockie 1977). The overall result is a general characterization of red foxes as opportunistic predators and scavengers that eat a wide variety of foods depending on their seasonal availability. Small and medium-sized mammals usually dominate the diet, with birds, insects, invertebrates, fruit, carrion, garbage and other foods important seasonally (Ables 1975; Lloyd 1980; Samuel and Nelson 1982; Larivière and Pasitschniak-Arts 1996; Verts and Carraway 1998; Nowak 1999). Food preferences independent of availability are poorly known, except that red foxes appear to prefer voles (*Microtus* spp.) and avoid shrews and moles (Macdonald 1977; Lloyd 1980).

Grinnell and others (1937) documented mice (probably *Peromyscus* sp. or *Microtus* sp.), bushy-tailed woodrats (*Neotoma cinerea*), Douglas squirrels (*Tamiasciurus douglasii*), Belding's ground squirrels (*Spermophilus beldingi*), chipmunks (*Tamias* sp.), and white-tailed jackrabbits (*Lepus townsendii*) in Sierra Nevada red fox scats. Additionally, they observed or found evidence of red foxes hunting golden-mantled ground squirrels (*S. lateralis*), voles (*Microtus* sp.) and snowshoe hares (*L. americanus*), and noted that the foxes likely also consumed hairy woodpeckers (*Picoides villosus*), Williamson's sapsuckers (*Sphyrapicus thyroideus*), Clark's nutcrackers (*Nucifraga columbiana*), mountain chickadees (*Poecile gambeli*), blue grouse (*Dendragapus obscurus*), flying squirrels (*Glaucomys sabrinus*), pikas (*Ochotona princeps*), and weasels (*Mustela* spp.), and scavenged livestock carcasses.

The diet of foxes in the Lassen region was dominated by rodents year-round, with pocket gophers (*Thomomys monticola*), mice (*Peromyscus* sp.), voles (*Microtus* sp.) and ground squirrels (*Spermophilus* sp.) being particularly prominent (Perrine 2005). Mule deer (*Odocoileus hemionus*) carrion was also frequently consumed, particularly in winter, and insectivore remains were more common than in most other studies. Arthropods were prevalent in summer scats and manzanita (*Arctostaphylos nevadensis*) berries were common in autumn, and birds and garbage were taken incidentally throughout the year. Lagomorph remains were virtually absent from the scats of Lassen red foxes, marten, and coyotes, suggesting that local populations may be low.

Aubry (1983) found that Cascade red foxes in Washington had a summer diet consisting of pocket gophers (*Thomomys talpoides*), red-backed voles (*Clethrionomys gapperi*), heather voles (*Phenacomys intermedius*), and other rodents, along with fruit, insects, birds, grass, and garbage. Their winter diet was narrower, consisting largely of snowshoe hares, red-backed voles, pocket gophers, and other mammals, with some birds and garbage taken opportunistically.

Pocket gophers clearly seem to be an important food for mountain red foxes. Bailey (1931 and 1936) also noted that pocket gophers were common in mountain red fox scats from both New Mexico and Oregon. The fact that gophers were prominent in the Cascade red fox diet but not abundant in the study site led Aubry (1983) to suggest that the foxes might be specialists on this particular prey. In Lassen, gophers seemed to be widespread throughout the foxes' summer range, so it was unclear whether they were being taken disproportionate to their availability (Perrine 2005). However, the importance of gophers as a summer and autumn food, their inaccessibility once heavy snows begin, and the apparent paucity of snowshoe hares and other lagomorphs may be factors behind the seasonal elevational movements of the Lassen red foxes (Perrine 2005).

## Community Interactions

As noted in the “Mortality Factors” section above, Sierra Nevada red foxes may be chased, attacked, or killed by a variety of other species, including golden eagles, bobcats, mountain lions, and coyotes (Grinnell and others 1937). Of these species, coyotes likely have the most significant impact on red fox distribution and abundance, due to their role as both a predator and a competitor. Antagonism by coyotes toward red fox has been documented in numerous populations throughout North America. Red foxes appear to minimize such interactions by avoiding areas occupied by coyotes (Dekker 1983; Voigt and Earle 1983; Major and Sherburne 1987; Sargeant and others 1987; Harrison and others 1989; Gosselink and others 2003). Bailey (1936) noted that Cascade red foxes were found primarily in areas where coyotes were uncommon, and that the red foxes lived and bred near rocky areas that provided retreats and cover from coyotes. Likewise, Aubry (1983) hypothesized that predation by and competition with coyotes might partially explain the distribution of Cascade foxes and their failure to expand their range. Perrine (2005) used baited camera stations to assess the overlap between Sierra Nevada red foxes and coyotes in the Lassen region. Aside from a general trend of more coyote detections at lower elevations and more red fox detections at higher elevations, his results were inconclusive; camera stations are a poor method of detecting coyotes because territory-holding individuals may detect and avoid them (Sequin and others 2003). In Yellowstone National Park, red fox home ranges did not coincide with coyote core areas, and red foxes were active at night while coyotes were primarily diurnal or crepuscular (Fuhrmann 1998; Crabtree and Sheldon 1999). The reintroduction of wolves (*Canis lupus*) to Yellowstone may benefit red foxes by reducing coyote populations (Fuhrmann 1998). Coyotes occur throughout the historical range of the Sierra Nevada red fox (Zeiner and others 1990), although their use of high-elevation habitats is poorly studied. In most populations, interference competition by coyotes causes fine-scale resource partitioning between the two canid species, not extirpation of the red fox population (Crabtree and Sheldon 1999). In areas with an elevational gradient, such partitioning can result in elevational stratification, with coyotes at lower elevations restricting the red foxes to the higher elevations (Dekker 1989; Fuller and Harrison 2006). However, the presence of coyotes and other large carnivores may not be exclusively detrimental to red foxes. In particular, red foxes may benefit from scavenging carcasses of prey killed by larger carnivores, especially during winter (Buskirk 1999).

Competitive interactions with smaller carnivores are more difficult to address. Gray foxes (*Urocyon cinereoargenteus*) may dominate red foxes in some areas (Voigt 1987), but gray foxes do not seem to be common at the elevations occupied by the Sierra Nevada red fox. Nevertheless, dispersing gray foxes could possibly transfer diseases or parasites into the Sierra Nevada red fox population. Bobcats are not generally considered a major competitor with red foxes (Major and Sherburne 1987). Marten likely have the most extensive range overlap with the Sierra Nevada red fox (Grinnell and others 1937; Zeiner and others 1990; Kucera and others 1995), potentially leading to competitive interactions between these species. In Europe and Scandinavia, red foxes have significant habitat and dietary overlap with stone martens (*Martes foina*) and pine martens (*M. martes*) (Serafini and Lovari 1993; Padial and others 2002). Occasional predation of martens by red foxes, and increases in pine marten numbers following a decline in red foxes, suggest that these species may have competitive interactions (Lindstrom and others 1995; Overskaug 2000). Avoidance of red foxes has been hypothesized to have a major influence upon marten habitat utilization (Drew and Bissonette 1997). However, little research has been conducted on competitive interactions between red fox and marten in North America despite the overlap in their ranges. In the Lassen region, red foxes and martens had extensive overlap in their habitat utilization, activity time and diet, but there was no evidence of competitive exclusion and the resources they shared did not appear to be limiting (Perrine 2005).

## CONSERVATION STATUS

In 1974, the California state legislature prohibited trapping and other non-scientific take of red foxes throughout the state due to concern over apparent declines of the native mountain population (Gould 1980). The Sierra Nevada red fox was listed as a State Threatened species in 1980. It is not listed under the federal Endangered Species Act but is considered a Sensitive Species by the Pacific Southwest Region of the USDA Forest Service. The California Department of Fish and Game has classified it as “extremely endangered,” with <6 viable occurrences or <1,000 individuals or <2,000 acres (810 hectares) of occupied habitat (CDFG 2004). No estimates of population size or trend are available.

Perrine and others (2007) conducted a genetic comparison of nine specimens from the Lassen Peak population (collected from 1998-2002) and 22 museum specimens from throughout the historic range of the Sierra Nevada red fox (collected from 1911-1941). The individuals in the modern Lassen population had only one mitochondrial DNA haplotype, although an additional four haplotypes were present in the historic specimens. This result suggests that the Lassen foxes comprise a small, isolated remnant population that has lost much of its genetic diversity. Follow-up analyses are underway to see if nuclear markers show a similar pattern. These analyses are hindered by the lack of any additional modern specimens from the historic range of the Sierra Nevada red fox.

The Sierra Nevada red fox is the only major population of red foxes in North America that is of conservation concern due to apparently declining populations (Nowak 1999). The actual trend is unknown, due largely to the difficulty in surveying such a rare species in such inhospitable terrain. Grinnell and others (1937) believed that the population was naturally dynamic, with some portions increasing while others decreased. Trappers they interviewed believed that the Sierra Nevada red fox was increasing locally. However, 40 years later, Schempf and White (1977) concluded that the Sierra Nevada red fox was at best maintaining low population levels, and was perhaps declining. Of the six furbearers they reviewed (red fox, wolverine, fisher, river otter [*Lutra canadensis*], marten, and ringtail [*Bassariscus astutus*]), only the red fox did not seem to be increasing in abundance. Trends since 1977, however, are unknown.

The relatively low number and localized distribution of recent Sierra Nevada red fox sightings suggests a small, restricted, and possibly declining population (Schempf and White 1977; CDFG 1996). A recent assessment concluded that the Sierra Nevada red fox “remains one of the few State-listed animals for which there is no information on current status other than periodic sightings filed mostly by inexperienced observers” (CDFG 1996).

## POTENTIAL THREATS

A threat is a factor that adversely affects individuals, populations, habitat, prey or other essential resources. Such factors may be of anthropogenic or non-anthropogenic origin. The paucity of available data on Sierra Nevada red fox ecology makes threats difficult to assess and prevents cause-and-effect relationships from being documented. Likewise, the ecological factors that may limit Sierra Nevada red fox distribution, fecundity, and survival are unknown. In fact, the absence of reliable data upon which to base management decisions has itself been described as a threat to the population (CDFG 1987). Therefore, this threat assessment is largely speculative, and additional research is needed to assess the relative importance of the potential threats listed below.

## ***Non-native Red Fox***

One of the greatest threats to the Sierra Nevada red fox may be the non-native red fox, also known as the lowland or valley fox. Low-elevation red foxes in California were first recorded from the northern Sacramento Valley, where they occurred from Sutter County north to Shasta County at elevations below 100 m (Grinnell and others 1937). Grinnell and others (1937) surmised that this population likely had been “planted there by man” prior to 1890, but expressed no concern about their possible impacts upon the native Sierra Nevada red fox, as the lowland population was “very restricted [and] evidently wholly cut off from the population of the Sierra Nevada.” In subsequent decades, however, the range of the lowland red foxes increased dramatically. By the 1990s, valley foxes had been documented in at least 36 counties in California (Lewis and others 1993). In addition to the Sacramento Valley, their current range includes virtually the entire area between the San Francisco Bay and San Diego, extending eastward through the San Joaquin Valley to the Sierra Nevada foothills (Lewis and others 1999). Red foxes escaping from commercial fur farms may have contributed to the sudden expansion of the valley fox range. From the 1920s through the 1940s, nearly 125 fur farms were operational throughout California, primarily along the northern coast, the mid-state, and near Los Angeles (Lewis and others 1999). While most of these farms were at lower elevations, several were located within the historical range of the Sierra Nevada red fox, and others were within dispersal distance (Lewis and others 1995). These factors have raised concerns that the lowland red fox may have invaded the historic range of the Sierra Nevada red fox (Lewis and others 1995, 1999). These concerns are compounded by the fact that morphological characteristics alone cannot reliably diagnose an individual red fox as native or exotic (Roest 1977).

A recent genetic analysis (Perrine and others 2007) found no evidence that exotic red foxes had invaded the Lassen Peak population. The Lassen population had the same mitochondrial haplotype that was most abundant in museum specimens collected prior to 1940 throughout the range of the Sierra Nevada red fox. This haplotype was absent from the lowland populations in the San Francisco Bay Area and southern California, suggesting little genetic contact. Surprisingly, these lowland populations were also quite different from the red foxes in the Sacramento Valley, which were more similar to the modern and historic mountain specimens. Although the Sacramento Valley population shared haplotypes with the montane populations, differences in haplotype frequencies indicated little gene flow. These results indicate that the dramatic range increase in the lowland red fox since the 1950s was not due to expansion of the Sacramento Valley population. This finding is consistent with Fitzpatrick’s (1999) genetic analysis of specimens collected from near San Francisco, Monterey and Los Angeles, which concluded that these populations had originated from multiple anthropogenic introductions from multiple source populations. The rapid range expansion of red foxes in southern California is consistent with their exotic origins (Lewis and others 1999). It remains unclear whether they have expanded into the Sierra, but the threat cannot be discounted.

Exotic red foxes could have a number of detrimental effects upon the native Sierra Nevada red fox (Lewis and others 1995). Interbreeding could cause genetic swamping of the native, locally-adapted genotype, producing hybrids of reduced fitness. Also, the exotic red fox might simply exclude or out-compete the native fox, or transmit harmful diseases and parasites to the native Sierra Nevada red fox (Lewis and others 1995). On the other hand, exotic red foxes may not be able to persist in the extreme habitats of the Sierra Nevada and Cascade Range, especially in competition with a locally-adapted native genotype. Aubry (1984) hypothesized that physiological or behavioral limitations restricted introduced foxes to lower elevations in Washington and similarly restricted the native Cascade red foxes to the higher elevations.



## ***Development and Recreation***

Road construction and increased human settlement in the Sierra Nevada might facilitate the dispersal of non-native red foxes into the historic range of the Sierra Nevada red fox, by providing access to areas previously unavailable to the exotic foxes. Although Sierra Nevada red foxes use roads and areas of packed snow as travel corridors, these features may also facilitate the expansion of coyotes and exotic red foxes into Sierra Nevada red fox habitat. In Washington, a band of dense forest on the west side of the Cascades separates the introduced and native fox populations (Aubry 1983 and 1984). Conversion of these forested habitats might ultimately be detrimental to the native red fox, as it might favor coyotes and exotic red foxes, both of which are potential competitors. Although the tolerance of Sierra Nevada red fox to the presence of humans is a topic of debate, it is clear that the non-native red foxes thrive in human-altered environments (Lewis and others 1999; Kamler and Ballard 2002). In addition, development within the range of Sierra Nevada red fox poses a threat to the species through an increased risk of predation from domestic pets, disease transmission, automobile collisions and other human-wildlife conflicts.

Risks from recreation are primarily associated with developments such as ski areas, snow parks, campgrounds, and picnic areas. In campgrounds without bear boxes, where campers' food and trash are more accessible, red foxes can develop begging habits and thereby increase the possibility for conflict with humans. Red foxes are intelligent and can quickly become acclimated to human handouts. They may be particularly susceptible in mountainous regions where natural productivity is low and winter food is scarce. Begging foxes have been a periodic problem in Lassen Volcanic National Park and the adjacent Lassen National Forest (Perrine and Arnold 2001; Perrine 2005). One of Aubry's study animals became a beggar at a town near his study site (Aubry 1983) and begging foxes have been reported from subalpine parks in Hokkaido, Japan (Tsukada 1997) and New South Wales, Australia (Bubela and others 1998). Domestic dogs in recreation areas may also have an impact on Sierra Nevada red foxes by chasing or harming them or by transmitting diseases such as canine distemper, rabies, and sarcoptic mange (Ables 1975; Samuel and Nelson 1982; Lewis and others 1993). Educating the public to avoid interactions with wildlife and to properly control their dogs could reduce these threats but cannot eliminate them entirely. Fortunately, these threats are unlikely to affect entire red fox populations, although virulent diseases could have a major impact, especially on a small population with reduced genetic diversity.

Fish stocking for recreation may represent another threat. *Neorickettsia helminthoeca* is a rickettsial organism present in some trout and salmon stocks. Consumption of infected fish can cause salmon poisoning disease (SPD), which is typically fatal for dogs, foxes and other canids (Gorham and Foreyt 1990). The rickettsial infection is known to occur in wild populations of salmonid fish in northern California, Oregon and Washington, but may be spread beyond these areas via translocations from infected hatchery populations (Hedrick and others 1990; Mack and others 1990). The trematode host of *N. helminthoeca* has been detected in at least three state hatcheries and four private farms in northern California, and rickettsia-infected fish from at least one of these sites were used to stock portions of the Truckee River Basin (Hedrick and others 1990). Red foxes could be exposed to SPD by scavenging offal from recreational fishing or due to the failure of aerial stocking to hit the targeted lake. Additionally, dead salmonids from hatcheries have been used as bait for photographic surveys of wild carnivores in some areas (Tom Rickman, Lassen National Forest, pers. comm.). Because of the documented occurrence of infected salmonids in both natural and hatchery fish populations within the range of Sierra Nevada red fox, and the high mortality rate of SPD in canids, further investigation of this potential threat, including possible routes of infection, seems warranted.

## **Forest Management and Livestock Grazing**

It is difficult to evaluate the potential impacts that past and present forest management practices have had on the Sierra Nevada red fox, as little information exists on their habitat associations and movement patterns. The available information suggests that Sierra Nevada red foxes require a composite of habitat types including open forest, meadows, and subalpine fell fields. Clearly, conservation and recovery of the Sierra Nevada red fox will require the retention of sufficient habitat for red fox and their prey, along with sufficient habitat connectivity throughout its range. Forest management practices, including fire suppression activities and livestock grazing, may have significant impacts on habitat suitability and connectivity for the Sierra Nevada red fox and its prey.

Grinnell and others (1937) considered the overgrazing of alpine meadows by sheep to be “the greatest menace to the productivity” of the Sierra Nevada red fox, due to the reduction of forage available for prey species, ostensibly grassland species such as meadow voles (*Microtus* sp.). Similarly, decades of fire suppression in the Sierra Nevada have allowed tree cover to encroach on meadow and riparian areas, reducing herbaceous cover for prey and reducing meadow extent. The direct impacts upon the Sierra Nevada red fox are unclear, however. Current livestock grazing does not occur at the intensity of the past (Ratliff 1985; Menke and others 1996), and some rodent populations (e.g., pocket gophers and Belding ground squirrel) may actually increase due to grazing practices (Ratliff 1985). Furthermore, increasing the amount of tree cover in meadow habitats can increase the number of chipmunks and tree squirrels using these habitats (Cain 2001). Consequently, livestock grazing and fire suppression may simply shift prey abundance from meadow voles to gophers and squirrels, all of which may be important components of the red fox diet (Bailey 1931 and 1936; Grinnell and others 1937; Aubry 1983; Perrine 2005). The extent to which the Sierra Nevada red fox can adapt to such shifts in prey abundance is unknown.

Sierra Nevada red foxes likely occupy elevations higher than most commercial timber extraction activities. However, they descend to mid-elevation forested areas in winter (Grinnell and others 1937; Perrine 2005). Reduction in forest density and canopy coverage could result in local increases in prey species such as *Microtus*, *Peromyscus* and *Thomomys*, possibly benefiting red foxes. However, as mentioned above, such structural changes could also cause increased use by coyotes and facilitate invasion by lowland red foxes, resulting in threats to the Sierra Nevada red fox. Snow tracks of Sierra Nevada red fox in the Lassen area indicated that they avoided openings in the forests, perhaps to minimize interactions with potential predators or competitors (Benson and others 2005).

The use of toxins such as strychnine in grazing and forest management practices could harm Sierra Nevada red foxes by reducing prey populations and by the risk of secondary exposure to the toxins themselves. The widespread and indiscriminant use of strychnine to control predator populations on grazing lands has largely been outlawed, especially in California. However, rodenticides are still widely used on public and private lands to protect vegetation and livestock and to control plague. The most widely used chemicals appear to be strychnine, used for pocket gopher control, and diphacinone, used to control ground squirrel and chipmunk populations primarily in response to plague outbreaks in human recreation areas (Dave Bakke, USDA Forest Service, pers. comm.). Historically, the widespread above-ground application of strychnine for rodent control caused extensive mortality of non-target species, including canids (Linsdale 1931 and 1932). Application of strychnine occurs on an average of several thousand acres per year out of the 21 million acres managed by the Forest Service in California, and diphacinone use is relatively rare, occurring in one to two campgrounds a year (Dave Bakke, USDA Forest Service, pers. comm.). Current laws and regulations for controlling pocket gophers with

strychnine are designed to minimize non-target species mortality by applying the toxin underground, monitoring the treatment area and removing rodent carcasses on the surface. However, even underground treatment for pocket gophers can cause reduction in local ground squirrel populations, and strychnine may remain in the gastrointestinal tracts of affected ground squirrels (Anthony and others 1984). Therefore, a risk of secondary poisoning remains should predators or scavengers consume a sufficiently large number of poisoned animals. Sierra Nevada red foxes may face a higher risk than other predators or scavengers (e.g., birds) as pocket gophers are an important food year-round (Perrine 2005). Furthermore, they routinely dig gophers out of their burrows, making it likely that they would also be able to access poisoned carcasses and residual traces of bait belowground. The risk may be higher with the use of anticoagulant rodenticides such as diphacinone. As a first-generation anti-coagulant, diphacinone has relatively low toxicity to rodents and requires multiple applications to ensure effective treatment. These baits typically are applied aboveground, and evidence suggests that secondary poisonings are possible if a predator consumes the gastrointestinal tract or cheek pouches of poisoned rodents (Mendenhall and Pank 1980; Hegdal and others 1981; Littrell 1990). These treatments are usually applied at recreation sites such as campgrounds, which may increase the exposure to human-habituated red foxes. Although the risk of poisoning may be low, especially if appropriate precautions are taken and if standard protocols are closely followed, further investigation of the possible impacts of rodenticides may be warranted given the importance of pocket gophers and ground squirrels as red fox prey.

## ***Climate Change***

The available evidence agrees that all three western mountain red fox subspecies are closely associated with boreal and subalpine habitats at high elevations (Bailey 1931 and 1936; Grinnell and others 1937; Schempf and White 1977; Aubry 1983; Fuhrmann 1998; Swanson and others 2005; Perrine 2005). Aubry (1983) hypothesized that these three subspecies were adapted to the boreal conditions that were widespread in the contiguous United States during the last glaciation, and then became isolated in mountainous regions when the glaciers retreated (Aubry and others 2009). Whether due to physiological or behavioral limitations, or to other mechanisms which remain unclear, these montane subspecies do not show the wide range of habitat tolerances that is more commonly associated with the red fox (Aubry 1984; Buskirk and Zielinski 2003). As an apparently obligate inhabitant of boreal and subalpine communities, the Sierra Nevada red fox may be strongly affected by climate change. Such effects include the direct effects of temperature, precipitation and habitat structure, as well as the cascading ecological interactions that may occur within these high-elevation communities.

Over the past century, average temperatures in alpine regions have increased 0.3 to 0.6°C, resulting in dramatic glacial retreat (Oerlemans 1994). This warming trend is expected to continue due to the increasing concentration of carbon dioxide and other greenhouse gases in the atmosphere. These gases are expected to double well before the year 2100, with estimated increases of between 1.4 and 5.8°C in global mean temperature (IPCC 2001). In California, temperature increases would be highest in the higher elevations of the Sierra Nevada, with a projected increase in average annual temperature of 3.8°C (Snyder and others 2002). The temperature increase would likely be accompanied by a dramatic decrease in snow accumulation at high elevations. Weather station records from the western US indicate that these trends have already commenced, with increasing winter and spring temperatures causing precipitation to fall as rain rather than snow (Knowles and others 2006). In the Great Basin, a 3°C increase in annual temperature would raise the lower limit of the boreal zone 500 m and cause a 62% reduction in boreal habitat (McDonald and Brown 1992; Moen and others 2004). A similar calculation for the Sierra Nevada would suggest a 50% reduction in boreal habitat based on elevational gradients alone,

and an even greater reduction given the amount of rockland and icefield habitats found above 2,750 m. Such warming could facilitate the movement of coyotes, bobcats, and lowland red foxes into habitats currently occupied by mountain red fox, possibly resulting in increased competition and predation rates and increased risk of competitive exclusion and disease transmission.

Currently, too little research has been conducted on the Sierra Nevada red fox to identify the specializations or limitations that restrict them to boreal environments. However, the extinction of a number of boreomontane-adapted animals during the last climatic warming (e.g., noble marten [*Martes nobilis*]; Grayson 1984 and 1987), or their elimination from mountain ranges south of their current distribution (e.g., mountain goats [*Oreamnos americanus*] in the Sierra Nevada and hoary marmot [*Marmota caligata*] in the southern Cascades; Hoffmann and Taber 1967), suggests that climate change may pose a very real threat to the Sierra Nevada red fox. While the Sierra Nevada red fox may have survived the 1.5°C higher average temperature of the last climatic warming (the altithermal of 6,000 yrs ago), it may not survive the much greater temperature increase projected for the next 100 years.

## **Trapping**

Red fox trapping has been banned in California since 1974. Furthermore, the state passage of Proposition 4 in 1998 prohibited the use of all body-gripping traps for commercial purposes. Therefore, trapping likely has a minimal impact upon Sierra Nevada red foxes. However, due to the apparent low densities and isolated nature of Sierra Nevada red fox populations, incidental trapping or poaching could represent a threat, albeit small, to local populations.

## **Summary of Potential Threats**

The factors likely to affect the distribution and persistence of Sierra Nevada red fox include climate change, conversion of habitat by human development, and expansion of coyotes and exotic red foxes into high-elevation areas. Recreation, including the effects of salmon poisoning and plague control activities, may represent a threat to individuals through increased risk of harm from interactions with people and pets, from disease transmission, and from contact with rodenticides, but the severity of this threat is not currently known. As noted above, the general lack of basic ecological information for this species makes the identification and analysis of threats a largely speculative exercise, and ultimately poses a risk to the effective management of the Sierra Nevada red fox and its habitat.

# **CONSERVATION CONSIDERATIONS**

This section identifies considerations or opportunities that may assist in the conservation of the Sierra Nevada red fox in California. Developing management considerations for this species is challenging due to the paucity of knowledge about its distribution and ecology. The isolated nature of Sierra Nevada red fox populations suggests that incidental detections may occur rarely. However, until additional rigorous, focused research or systematic monitoring can be conducted, the slow accumulation of incidental detections or samples from researchers or managers conducting other projects may be the only practical way to acquire information.

Because of the urgent need to document the distribution of this species, the most efficient way to proceed may be to make minor adjustments to the field protocols for ongoing surveys for other species such as marten, fisher and wolverine (see details below). These modifications could be implemented in the historic range of the Sierra Nevada red fox and in habitat types similar to those in which red foxes have been documented in the Lassen region.

Vegetation management in Sierra Nevada red fox habitat should include activities that maintain or restore the health of montane meadows and the prey species they support. Because of the seasonal elevational movements of this species (Grinnell and others 1937; Perrine 2005), the availability and maintenance of movement corridors from upper elevation areas to the mixed conifer zone will be important.

Although the sensitivity of Sierra Nevada red fox to human presence is debatable, the negative impacts of direct human-wildlife interactions are not. Red foxes are intelligent and adaptable, and can quickly become acclimated to humans. Accounts of red foxes scavenging at houses, campgrounds and parking lots, and even directly approaching humans and vehicles during daytime, have been documented in the Lassen region (Perrine and Arnold 2001; Perrine 2005) and for other mountain fox populations (Aubry 1983; Tsukada 1997; Bubela and others 1998). Increased exposure to humans, vehicles, and pets entail additional risks to red foxes. Provision of educational materials on red fox and the importance of minimizing direct contact with red foxes may be helpful in reducing undesirable behaviors on the part of foxes and minimize their exposure to disease. Availability of bear-proof garbage cans and food storage lockers in campgrounds, particularly in areas used during the winter, may help curb red fox scavenging in these areas.

In the Lassen region, radio-collared red foxes were highly mobile, with large home ranges and extensive daily and seasonal movements, and they routinely crossed administrative boundaries during the course of normal foraging behavior (Perrine 2005). Successful management of these foxes will therefore require coordination and cooperation among multiple agencies and stakeholders, including the USDA Forest Service, the National Park Service, California Department of Fish and Game, California Department of Forestry and Fire Prevention, and private forests and landowners.

## **INVENTORY, MONITORING, AND RESEARCH NEEDS**

Woefully little information exists on the distribution and ecology of mountain red fox in California. The paucity of basic scientific information makes the development of a defensible conservation strategy for Sierra Nevada red fox extremely challenging. Of greatest urgency is the determination of the species' current distribution in California. Such occurrence data can be used to further clarify habitat relationships and to identify focal locations for more intensive research efforts. This suggests a two-pronged research approach: a thorough survey of the historical range to identify local populations, using methods with a high probability of detecting red foxes; followed by intensive study of these populations. Such a pattern has already been applied, to a limited extent, in the Lassen region (Perrine 2005).

Documenting the current distribution of Sierra Nevada red fox throughout its historical range is essential. The collection of anecdotal sighting reports, although important, is insufficient to reliably document what proportion of Sierra Nevada red fox historical range remains occupied. Methods to detect forest-associated carnivores have been well developed over the past decade (e.g., Zielinski and Kucera 1995). These methods consist primarily of sooted track plates, remote camera systems, and snow

tracking. However, only baited camera stations have been demonstrated to reliably and unambiguously detect mountain red fox (Perrine 2005). Camera stations established to detect marten, fisher or wolverine may not detect red foxes if the bait or sensor is positioned >1 m above the ground or snow level, because red foxes seldom climb trees. In addition, seasonal movements such as those documented in the Lassen region (Perrine 2005) suggest that monitoring exclusively in summer will not fully reflect the species' distribution or habitat use. Although winter surveys would likely be more challenging, the probability of detection would likely be higher given the scarcity of food resources. Surveys conducted specifically to detect red foxes, using methods and protocols known to detect red foxes, are the most reliable method to document their current distribution. Snow track surveys (Halfpenny and others 1995) by trained observers may also be an efficient way to assess whether red foxes occur in an area. However, obtaining definitive results from snow tracks may be more difficult than with camera stations. Scat surveys with specially-trained dogs (e.g., Smith and others 2003) could also be used to inventory local areas, with the added benefit that the feces could provide genetic samples (see below) and dietary information. A thorough evaluation of the range of potential inventory methods and their relative benefits needs to be conducted so that resources can be allocated efficiently.

In addition to providing occurrence data, distribution surveys may be used to develop broad-scale habitat relationships for the Sierra Nevada red fox. This information could then be used to evaluate management alternatives relative to the distribution and abundance of habitat utilized by the red foxes. Additionally, if individuals can be differentiated, such as by DNA or unique markings, an index of local population density could be calculated. Ideally, detection surveys would incorporate methods to obtain non-invasive genetic samples, such as through hair snags or the collection of feces. Genetic samples are essential for quantifying the extent of gene flow among local populations of Sierra Nevada red fox and among mountain fox populations in California, Nevada, Oregon, and Washington. Documenting, quantifying, and understanding the genetic structure of mountain red fox populations, and the factors affecting their connectivity and persistence are essential for successful management. Genetic samples also are needed to document whether exotic red foxes have expanded into the historical range of the Sierra Nevada red fox, especially in the southern portion of its range. Since exotic and native red foxes are morphologically similar, genetic markers need to be identified to reliably differentiate the two groups (Roest 1977; Lewis and others 1995; Aubry 1997; Perrine et al 2007).

Ultimately, successful conservation will require identifying and addressing limiting factors, with particular emphasis on reproduction and mortality. Inventory methods such as cameras and snow tracks can document habitat use, but they provide little insight into survival and fecundity (other than detecting pups in an area). Information on habitat associations in the absence of demographic data may be misleading, as densely populated habitats may not be the most suitable (Van Horne 1983; Pulliam 1988). Assessing individual fitness requires individually marked and monitored animals. Identifying sources of mortality that are directly linked to human activities would also be particularly important. Additional information needs include fine-scale documentation of habitat use, especially habitats used for natal dens, seasonal changes in habitat use, and elevational movement patterns. This information is important but will be more difficult to collect than presence-absence data because it requires the use of intensive techniques such as radio-telemetry and mark-recapture. Clearly, such intensive local studies would also be an additional source of genetic data, which would be essential for determining the extent of genetic variability within local populations.

Developing both extensive and intensive data-gathering efforts focused on Sierra Nevada red fox offers the best combination of information to inform management and conservation efforts. Extensive surveys can provide occurrence and broad-scale habitat associations and may provide genetic samples necessary for describing the genetic structure of red fox populations. Collaboration among local, state

and federal entities would facilitate the compilation of genetic material. Such entities obviously include the land management agencies listed above, but should also include other agencies that may have the opportunity to collect specimens, such as the California Highway Patrol, California Department of Transportation, state and federal Wildlife Services agents, local animal control officers, and academic or agency biologists operating at high elevations in the Sierra Nevada and Cascades in California. Coordination of these efforts would likely require the establishment of a central contact or clearing house, which would also compile the resulting specimens and data. Genetic information may also be obtained from intensive studies involving mark-recapture or radio-telemetry techniques through the collection of tissue, hair, or scat from captured animals. Intensive studies would offer insights into reproduction, survival, diet, and fine-scale habitat use and may help identify significant mortality factors and important habitat elements. These data are essential for the development of a comprehensive conservation strategy for the Sierra Nevada red fox in California.

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## PERSONAL COMMUNICATIONS

Bakke, Dave. USDA Forest Service, Pacific Southwest Regional Office. Vallejo, CA.

Chow, Les. US Geological Survey. Yosemite National Park, CA.

Graber, David. National Park Service, Sequoia and Kings Canyon National Parks. Three Rivers, CA.

Rickman, Tom. Lassen National Forest, Eagle Lake Ranger District. Susanville, CA.

Van Vuren, Dirk. University of California. Davis, CA.

## PHOTO CREDITS

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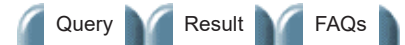




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# EXHIBIT H



## Feature Detail Report for: Lee Vining

ID: **262401**  
 Name: **Lee Vining**  
 Class: **Populated Place** ([Definitions](#))  
 Description: **On the southwest shore of Mono Lake, near the mouth of Lee Vining Creek. (US-T121)**  
 Citation: **U.S. Geological Survey. Geographic Names Phase I data compilation (1976-1981). 31-Dec-1981. Primarily from U.S. Geological Survey 1:24,000-scale topographic maps (or 1:25K, Puerto Rico 1:20K) and from U.S. Board on Geographic Names files. In some instances, from 1:62,500 scale or 1:250,000 scale maps.**  
 Entry Date: **19-Jan-1981**  
 \*Elevation: **6781/2067**

\*Elevations in feet/meters from the [National Elevation Dataset](#)

## Decision Card

[CA\\_Lee Vining\\_262401\\_BGN Decision\\_1957.pdf](#)

## Federal Codes

Census Code	Census Class Code	GSA Code
40998	U5	1873

Class Code **Populated Place that is also a census designated place with the same name.**  
 Description: **same name.**

## Variant Names

### Variant Name

Lakeview [Citation](#)  
 Leevining [Citation](#)  
 Leevining [Citation](#)  
 Poverty Flat [Citation](#)

## Board on Geographic Names Decisions

Name	Authority	Decision Type	BGN
Lee Vining	Board Decision	Official	1955

## Mapping Services

[GNIS in ESRI Map](#)  
[USGS The National Map](#)  
[HomeTownLocator](#)  
[ACME Mapper 2.0](#)  
[Microsoft Virtual Earth](#)  
[Find the Watershed](#)

## Important Links

[GNIS Home](#)  
[U.S. Board on Geographic Names](#)  
[Mapping Information](#)

**BGN Subject Folders: (Click arrow to open folder)**Forms: **Counties**

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Sequence	County	Code	State	Code	Country
1	Mono	051	California	06	US

**Coordinates (One point per USGS topographic map containing the feature, NAD83)**

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Sequence	Latitude(DEC)	Longitude(DEC)	Latitude(DMS)	Longitude(DMS)	Map Name
1	37.9574254	-119.1218156	375727N	1190719W	Lee Vining

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[U.S. Department of the Interior](#) | [DOI Inspector General](#) | [White House](#) | [E-gov](#) | [No Fear Act](#) | [FOIA](#)

# EXHIBIT 3



# Eastern Sierra Unified School District

P.O. Box 575 – 231 Kingsley Street  
Bridgeport, CA 93517  
Telephone (760) 932-7443 – Fax (760) 932-7140

Heidi Torix

**Superintendent**

**Board of Trustees**

Ann Aylesworth  
Jimmy Little  
Ricky McCoy  
Tim Sullivan  
Bob Tems

*April 14, 2020*

Wendy Sugimura  
Mono County Community Planning Commission  
Community Development Director  
PO Box 347  
Mammoth Lakes, CA 93546

**RE: Tioga Community Housing Plan and the impacts on the Eastern Sierra Unified School District**

Ms. Sugimura and the Mono County Community Planning Commission,

Here at Eastern Sierra Unified School District (ESUSD), we open our doors and welcome each child as they come to us. Aside from student safety, our primary job is to educate our students to the best of our ability. In order to do so, the district must ensure we have properly credentialed teachers, appropriate supplies and facilities, and appropriate class sizes (student-to-teacher ratio). ESUSD is funded by our property taxes (Basic Aid), not by ADA (Average Daily Attendance, or the number of students we have in seat). Since ESUSD is a Basic Aid school district, and because of our limited means of revenue, I'd like to address a few items put forth in the Subsequent Environmental Impact Reports dated June of 2019 and March of 2020.


As found in pages 5.5-22 and 5.5-23 (which addresses goal 12.A Improving Community-School Support), the plan points out that ESUSD will receive enough developer fees to cover a variety of costs including new facilities and community programs. To clarify, ESUSD would receive developer fees that could possibly cover the need of an additional portable classroom. These fees are restricted from being used

for salaries, which would be the on-going, unfunded cost the district would incur. Specifically, for grades K-3, California schools must follow Class Size Reduction which means that our class sizes cannot handle more than 24 students without having to hire an additional teacher. If we see an influx of students in our primary grades, the dollars don't automatically come with those students; instead, the district is forced to hire an additional teacher(s) with limited tax dollar revenues. Any additional programs that might've been mentioned in the creation of this plan are not budgeted in the districts multi-year budget; these programs would also be additional costs to the district.

Specific numbers of students and the impact on our Lee Vining schools is mentioned beginning in section 5.8 of the Environmental Impacts and Mitigating Policies and Actions Impact Services. Though ESUSD cannot predict the number of students this project could possibly bring, it should be stated that any influx of students will also have an impact on class sizes other than K-3. One must look at the significant difference of educating a classroom with less than 20 students versus a classroom with many more. Communication that occurred with our prior CBO, Mollie Nugent, (as mentioned in comments coming from ESUSD) should not be the sole basis of communication with the district. As noted, the discussion involves the infrastructure immediately needed should the project go through, not the on-going staff costs the district would incur.

It is not my intent to deter growth in Mono County as the school district is responsible for educating students, not building infrastructure. However, I want to be clear that as the Superintendent of ESUSD, I can say for certainty that additional students without equal funds to support staffing could put a great financial burden on our district.

If you have any questions, please do not hesitate to call me at (760) 932-7443, or email me at [htorix@esUSD.org](mailto:htorix@esUSD.org).

Sincerely,  
  
Heidi Torix

Cc: Michael Draper, Planning Analyst  
Cetera Rohl, ESUSD Chief Business Officer  
Eastern Sierra Unified School District Board of Trustees



**Shasta Group**  
**Mother Lode Chapter**  
P.O. Box 491554  
Redding, CA 96049-1554  
[www.motherlode.sierraclub.org/shasta](http://www.motherlode.sierraclub.org/shasta)

6-26-2020

Mono County Board of Supervisors  
c/o Clerk of the Board Shannon Kendall  
P.O. box 715  
Bridgeport, Ca 93517

Dear Honorable Supervisors:

Subject: Tioga Inn Project

Members of our Shasta Group of the Sierra Club travel to areas along Highway 395 and west to Yosemite National Park frequently. The following are comments on the proposed development.

1. Instead of sporadic commercial development such as the Tioga Inn Project, a master plan for Lee Vining should be developed that protects the existing businesses and housing, and accesses the needs for infrastructure, schools, housing, and how visual impacts will be mitigated. Mono Lake is a national treasure and no new development within visual distance should be allowed.
2. Night sky viewing locations are becoming very important around the world and your area should do everything it can to protect the area's night darkness by applying to receive an International Dark Sky Park designation. This will formally recognize the areas exceptionally dark night skies for the public's enjoyment and scientific, natural, educational and cultural values. Constructing the Tioga Inn Project will degrade the night sky.
3. The Tioga Inn Project needs to be modified to include features good for the overall Lee Vining community. A committee of citizens of the area should be appointed by the Board of Supervisors to work with the developer to provide a project acceptable to everyone. This is possible and will accomplish a unified approach to Lee Vining area's future.

Respectfully submitted,

John Livingston, Chair of the Executive Committee of the Shasta Group Sierra Club



**From:** [Travis Silcox](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 8:36:13 PM

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To the County Board of Supervisors:

I urge you to deny (or greatly modify) the Tioga Inn Project as it is being submitted to you. Many groups and individuals have given good suggestions for reducing this project's negative impacts, yet still the applicant insists on their proposal.

I am especially concerned about the views that will be impacted and also the mule deer migration corridor.

I am a frequent visitor to the area (well, not this summer!), and I always spend several days in the Mono Basin each visit.

Thank you for your consideration,

Travis Silcox  
Sacramento, CA

**From:** [Dean Silvers](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project needs revision  
**Date:** Wednesday, June 24, 2020 5:52:19 PM

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Hello, Mono County Board of Supervisors,

As someone who's been visiting your county for over 60 years, I have often hiked around the accessible portions of the Mono Lake Basin. I've stayed overnight many times in Lee Vining.

The proposed Tioga Inn project is not a good fit for protecting the safety, views, or environment of your area—all of which are also important ecologically and economically to your county's citizens and us visitors. I encourage you to modify this project and find ways to mitigate its many negative aspects. Do not destroy your area by approving the project in its present form.

Thank you,  
Dean Silvers  
316 Myrtle St.  
Santa Cruz, CA 95060

**From:** [dsimpson19@gmail.com](mailto:dsimpson19@gmail.com)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 1:02:23 PM

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To whom it may concern;

As a visitor and a member of the Mono Lake Committee I find it devastating that developers have proposed a project that will greatly impact the beauty and uniqueness of the Mono Basin. Once this development is completed it will forever damage the wonders of this area.

Not only will the environment be altered, but the safety of the motorists, pedestrians, bicyclists need to be considered. Impacts on the local schools, fire department, and town resources will be effected. Developers come into areas promoting monies for communities only to make their profits then leaving the locals to deal with the aftermath.

I strongly urge you to think long and hard about the impact of this proposal and reject the Tioga Inn Project.

Debbie Simpson

Sent from my iPad

**From:** [Adam Sitze](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Toga Inn Proposed Development.  
**Date:** Thursday, June 25, 2020 10:27:25 AM

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Dear Mono County Board of Supervisors,

I write as the grandson of Estel and Vera Sitze, who are buried in Mono Lake Cemetery, and whose home on Cemetery Road I have visited regularly since my birth in 1974. I have spent the morning carefully reviewing the plans for the Tioga Inn Project. I conclude that this Project is unwise in every respect. It will add danger, sprawl, ugliness, intrusiveness, and unfunded obligations to the currently charming town of Lee Vining. But of course, additions of this sort are really just subtractions. Please do the smart thing for the town and for the region and vote no on this ill-conceived project.

Respectfully,  
Adam Sitze  
Amherst, MA

**From:** [bob.sitze@att.net](mailto:bob.sitze@att.net)  
**To:** [CDD Comments](#)  
**Subject:** Special Meeting, Mono County Board of Supervisors  
**Date:** Thursday, June 25, 2020 6:51:01 PM

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My name is BOB SITZE. With my wife, I am the owner of a heritage property on the north shore of Mono Lake. My family's history at Mono extends five generations back. I write in opposition to the Tioga Inn proposal.

I don't think this development is sustainable. Part of my family's history might serve as a warning. In the good times of the late 1920's, my grandfather worked alongside the owners of Mono Inn to bring a luxury spa to the White Island. Plans were drawn, work begun and some structures built. But the entire project came crashing down when the Depression destroyed the financial security of the project's backers—a consortium of San Francisco doctors.

The Tioga Inn proposal seems to be built on a similarly shaky view of the national economy. The proposal presumes that tourism will continue as a dependable, growing source of economic well-being. Current economic indicators seem pointed in the opposite direction, though. Signs of a dawning national or worldwide recession—or depression—are increasing. This project could very well meet the same fate as my grandfather's dreams. This time around, though, the taxpayers of the County would likely have to bear the burden of a failed development.

Your vote to reject this project will help assure that a similar phenomenon does not occur here. Your years-long consideration of the dreams of the developer can perhaps serve as motivation for economic development that's sustainable. I wish you well in that continuing effort.

Bob Sitze  
Wheaton, IL

**From:** [Ray Skryja](#)  
**To:** [CDD Comments](#)  
**Cc:** [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Comment regarding the Tioga Inn project  
**Date:** Thursday, June 25, 2020 11:11:08 PM

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The Tioga Inn Project project as now up for approval violates the Mono Basin Community Plan. The whole objective of such a plan is not to prevent development but to do so within the context of the larger community as previously established and approved by Mono County. Some specific problems with the current plan include:

- 1) Ignores adequate local input despite an extensive effort to suggest meaningful changes in the plan to produce a development in harmony with the community.
- 2) Light pollution. The existing plan will negatively affect the night sky. The International Dark-sky Association recommendations should be consulted and followed ( [darksky.org/contact](http://darksky.org/contact)).
- 3) The plan does not adequately address the stressful effects on the local schools, fire and law enforcement services.
- 4) The current plan will produce unaddressed and unmitigated traffic problems especially but not limited to the Vista Point Road/120 and 120/395 intersections.
- 5) The plan will obligate Mono County to many unaddressed expenses, not now considered or predictable.

These listed concerns are not exhaustive. Many other aesthetic and practical exceptions to the current plan exist. Please vote to follow your own existing plan and to meaningfully include the local resident's opinions in your determinations so that the unique character of the Mono Basin will be preserved with this development.

Thank you

Raymond F. Skryja

**From:** [Shelly Smith](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 10:35:34 PM

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Hello Mono County Board of Supervisors,

My husband and I have made trips to and visited Mono Lake often, for many years. We love the area, the pristine environment, the beauty, the silence, peace and tranquility, the undeveloped and preserved natural beauty.

The area surrounding Mono Lake and the basin is quiet, peaceful, not crowded, not a location which draws a large number of visitors. And we enjoy it because of that and wish to have it remain that way. California is already over-developed and over-populated. Enough of the beautiful state has already been developed and has been changed from its natural beauty, being home to native plants and animals, into cement and roads and buildings and pollution. I ask that you leave the area as it is, no more development, no more expanded buildings or stores or hotels or restaurants. There are plenty of other places nearby, for people to visit, if they wish to dine or stay the night. Please leave Mono Lake and the surrounding basin as it is.

Thank you for your attention and support.  
Shelly Smith

**From:** [Cathy Smyers](#)  
**To:** [CDD Comments](#)  
**Subject:** Comment on Tioga Inn Proposal  
**Date:** Thursday, June 25, 2020 11:41:29 AM

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Mono Lake is a unique natural area which offers spectacular scenery, inspiration, and peace along with opportunities to explore and learn. Part of the area's appeal is the community of Lee Vining, a delightful "village" which offers hospitality and just the "basics" in amenities. I would argue that many people (like me) who take the time to visit the lake area and town are enchanted by its current atmosphere. If visitors want a "resort" experience, they should go to Mammoth Lakes, Tahoe, or even Yosemite. I urge you not to approve this project.

Thank you,

Cathryn Smyers  
Missoula, Montana and yearly traveler to your area

Sent from my iPad



**From:** [Norman Smyers](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Development  
**Date:** Friday, June 26, 2020 2:58:40 PM

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I have been visiting the eastern Sierra and, in particular, the Mono Basin for more than 70 years now. My first venture into this area would have been about 1948 when I was five years old. My last visit was in February and March of this year when my wife and I spend "winter time" in the Mojave Desert, Owens Valley and in available area available campgrounds.

Last year I became aware of the Tioga Inn proposal but was not provided detailed information about it's scope and size until we were last there in March. I should add that my Federal employment included career time with both the U.S. Forest Service and the Bureau of Land Management as a geologist, duties that required me to both write and evaluate environmental impact statements and reports dealing with proposed large scale developments.

In my review of the proposed Tioga Inn project I find it scale would be a large negative for Lee Vining and nearby Monto Lake. In short, the eastern Sierra does not need another large scale resort facility. Not only will the proposal be a large and negative visual impact but also be one that will negatively impact the current commercial offerings Lee Vining can provide the the traveler and current community. In my opinion, the eastern Sierra has already seen too much such development over the past 50-years how many more Mammoth Mountain and June Loop complexes does the area need beyond what is already available? The proposed development will completely destroy low-key nature of Lee Vining and the surrounding area and, in addition, several sensitive animal species.

I should end by saying that I am not opposed to the project itself, but it's scale. Thus, if scaled to what currently exists in the community and surrounding area it may well be acceptable. But for me now, not as currently proposed.

Thank you.

Norman Smyers  
Missoula, Montana

**From:** [Dar Spain](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 5:13:28 PM

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To: Members of the Mono County Board of Supervisors

Your decision regarding the Tioga Inn project is the last opportunity to prevent irreversible harm to the Mono Basin and to the community of Lee Vining.

Writing as one who has visited Mono Lake yearly since 1997, I request that you consider the massive impact of the sudden urbanization this commercial enterprise would inflict on the environment, on residents and on all who value the Mono Lake area for all that it is.

Please consider—when wildness is gone, it is gone forever.

Sincerely,

Dar Spain

Sent from my iPhone

**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Tioga Inn project  
**Date:** Thursday, June 25, 2020 8:34:15 AM

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Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
Mono County  
760-932-5538  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)

Effective March 19, 2020, the Office of the Clerk-Recorder/Registrar of Voters/ Clerk of the Board has suspended in-person services due to the COVID-19 outbreak.

For questions about how to access services at this time, please contact:

Clerk-Recorder: 760-932-5530, [clerkrecorder@mono.ca.gov](mailto:clerkrecorder@mono.ca.gov), <https://monocounty.ca.gov/clerk>

Elections: 760-932-5537, [elections@mono.ca.gov](mailto:elections@mono.ca.gov), <https://monocounty.ca.gov/elections>

Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

-----Original Message-----

From: Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>

Sent: Thursday, June 25, 2020 7:54 AM

To: Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>

Subject: FW: Tioga Inn project

Shannon D. Kendall  
Mono County Clerk-Recorder-Registrar  
P.O. Box 237  
Bridgeport, CA 93517  
(760) 932-5533  
(760) 932-5531  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

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Elections: 760-932-5537, [elections@mono.ca.gov](mailto:elections@mono.ca.gov), <https://monocounty.ca.gov/elections>

Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

-----Original Message-----

From: Robert Speckels <[robertspeckels@yahoo.com](mailto:robertspeckels@yahoo.com)>

Sent: Wednesday, June 24, 2020 5:34 PM

To: Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>

Subject: Fwd: Tioga Inn project

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>> Dear Board of Supervisors, Mono County

>>

>> I am writing to voice my strong opposition to the Tioga Inn project. I first visited Mono Lake in 1965. My father, a scientist at the Naval Weapon's Center, was an accomplished landscape photographer. Mono Lake was his favorite subject. Since that first visit with my Dad, 55 years ago, I have tried to visit the Lake at least twice a year. Eating at the Mono Cone, staying at the Lakeview Lodge. For me, it is a place to renew my spirit. And for me, it's a destination, not a pass thru point. I think it's one of earth's most beautiful places. It's also a fine example of what dedicated people can do to preserve some of that beauty. The Tioga Inn project may bring tourist dollars to Mono County. It will also cause many others like myself, to, reluctantly, seek other destinations to fill that need to have an unspoiled place in their lives. If the Project is approved I won't return. Lights on a ridge top will never replace the stars.

>>

>> Long Live Mono Lake

>>

>> Robert Speckels

>> Gayle Perrine

>>

>> 2195 Vallejo Street

>> Santa Rosa, CA 95404

>>

>>

>> Sent from my iPad

**From:** [Scheereen Dedman](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Tioga lodge  
**Date:** Thursday, June 25, 2020 8:33:57 AM

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Scheereen Dedman  
Senior Deputy Clerk – Elections Assistant  
Mono County  
760-932-5538  
[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)

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Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

---

**From:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Sent:** Thursday, June 25, 2020 8:30 AM  
**To:** Scheereen Dedman <[sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov)>  
**Subject:** FW: Tioga lodge

**Shannon D. Kendall**  
**Mono County Clerk-Recorder-Registrar**  
**P.O. Box 237**  
**Bridgeport, CA 93517**  
**(760) 932-5533**  
**(760) 932-5531**  
**[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)**

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Clerk of the Board: 760-932-5538, [sdedman@mono.ca.gov](mailto:sdedman@mono.ca.gov), <https://monocounty.ca.gov/bos>

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**From:** Stalder <[stalder@volcano.net](mailto:stalder@volcano.net)>

**Sent:** Thursday, June 25, 2020 8:11 AM  
**To:** Shannon Kendall <[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)>  
**Subject:** Tioga lodge

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Shannon,

Please pass on this note to the Board of Supervisors.

I'm strongly opposed to the approval of the Tioga Lodge project. As a long time property owner in Walker, and a anthropologist that volunteers on the Bridgeport Ranger district, I greatly fear that this project will have a long term negative impact on this area of Mono County. It would be very short sighted to approve this project.

Most sincerely,

Tim Stalder, PhD

**From:** [Sandy Steinman](#)  
**To:** [CDD Comments: bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 6:27:06 PM

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The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park. A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers. Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions, but the The final Project analysis (FSEIR) shows that the Project as proposed will create significant adverse impacts to the service level of local schools, the capacity of the volunteer fire department, the safety of pedestrians and cyclists, the traffic safety at a major highway intersection, the health of the local deer herd, and the visual integrity of Mono County's prized scenic and economic resource—Mono Lake and the gateway to Yosemite National Park. A vote to override and ignore these impacts and public concerns will not make them go away. Instead, a vote to override will offload millions of dollars of unfunded responsibilities for expanded services to local schools, the Lee Vining Volunteer Fire Department, Mono County, and residents and taxpayers. Mitigation of the Project impacts is feasible. Extensive public comment provided ideas and solutions but the Developer rejected opportunities to improve his project.

An Open Letter regarding the Tioga Inn Project

A vote to accept the significant adverse effects of the Project will effectively repeal the Board-adopted Mono Basin Community Plan and abandon the principle that Mono County communities can define and protect their community character. This is a dangerous precedent for every community in Mono County.

**The Project is bad for kids, schools, businesses, Mono Lake, and Lee Vining**

The Tioga Inn Project will create so many large, permanent impacts that it raised widespread alarm. Mono County received more comments of concern and opposition than any Mono County project we can recall. These include critical public safety and education problems raised by Agencies such as the Lee Vining Volunteer Fire Department, Eastern Sierra Unified School District, and the Mono County Sheriff. Auto accidents will increase, the costs for our local schools will skyrocket, fire and emergency services will be stretched beyond capacity, and the world-renowned scenic qualities of Mono Lake and the gateway to Yosemite National Park will be forever diminished. The list of problems revealed in comments and the Project documents is even longer. Are there really no feasible alternatives? To pick an example, the Project provides no safe route for kids to walk the ¾ mile from the Project site to school, making it a classic example of leapfrog development. The FSEIR states “there is no feasible way at this time to provide connectivity between the Project site and downtown Lee Vining” (p.103). But inquiries by community members have found that Southern California Edison is willing to explore use of its land to provide exactly this connectivity. Here “no feasible way” appears to mean the Developer is unwilling to solve the problem his Project will create.

**The Project sticks the community and County with millions of dollars in unfunded obligations—who is going to pay for this?**

The Developer’s choice of Project size and location creates significant expensive and complex problems; a housing development of modest size located in town, for example, could take advantage of Lee Vining’s existing walkable community. But because that is the Developer’s choice, the cost of providing safe routes to school, fire protection, school resources, and visual screening should be the responsibility of the Developer. Instead, you are being asked to approve the permanent adverse impacts of this Project. A yes vote on the override resolution will offload millions of dollars of unfunded obligations onto the Mono



Basin community and Mono County taxpayers who will have to provide the development with expanded fire, road, school, safety, and other County services. **The Project ignores Agency, resident, and public solutions** Scoping for the Tioga Inn Project began in 2016. Agencies, residents, and the public have offered constructive comments and common-sense solutions to the problems the Project creates over the last four years through thousands of pages of comments and hours of testimony. We recognize that some Project changes have been made to date—but they don't go far enough. The Project's damaging impacts remain. Workable solutions offered during the public process that could fix the Project are very achievable. There is no need to accept the permanent damaging impacts contained in the Proposal before you.

An Open Letter regarding the Tioga Inn Project **A better project is possible** It is feasible to vastly improve this Project.

Your Board does not need to vote to override citizens and local Agencies and accept permanent significant adverse impacts on our community. We all share a desire to provide affordable housing for our community members but this Project as proposed is not the solution. In fact, local efforts are already underway to plan affordable housing in Lee Vining and we welcome your help in making them a reality. Feasible mitigations that have been suggested throughout the Project process are ignored in the final proposal before you. Three important examples are attached. Including these plus other suggested mitigations for wildlife, sustainability, and numerous other items would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning. Lee Vining and Mono County deserve better. The Project should not be approved as proposed because it creates too many unacceptable impacts. If you determine that fixing the Project is worthwhile, you can send it back to the Developer with the direction that he work with the community to accomplish a redesign that can be brought back to you in a new proposal that mitigates significant impacts and aligns with the vision and values of the Mono Basin Communi

An Open Letter regarding the Tioga Inn Project

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Auto accidents will increase, the costs for our local schools will skyrocket, fire and emergency services will be stretched beyond capacity, and the world-renowned scenic qualities of Mono Lake and the gateway to Yosemite National Park will be forever diminished. The list of problems revealed in comments and the Project documents is even longer. Are there really no feasible alternatives? To pick an example, the Project provides no safe route for kids to walk the ¼ mile from the Project site to school, making it a classic example of leapfrog development. The FSEIR states “there is no feasible way at this time to provide connectivity between the Project site and downtown Lee Vining” (p.103). But inquiries by community members have found that Southern California Edison is willing to explore use of its land to provide exactly this connectivity. Here “no feasible way” appears to mean the Developer is unwilling to solve the problem his Project will create.

**The Project sticks the community and County with millions of dollars in unfunded obligations—who is going to pay for this?**

The Developer’s choice of Project size and location creates significant expensive and complex problems; a housing development of modest size located in town, for example, could take advantage of Lee Vining’s existing walkable community. But because that is the Developer’s choice, the cost of providing safe routes to school, fire protection, school resources, and visual screening should be the responsibility of the Developer. Instead, you are being asked to approve the permanent adverse impacts of this Project. A yes vote on the override resolution will offload millions of dollars of unfunded obligations onto the Mono Basin community and Mono County taxpayers who will have to provide the development with expanded fire, road, school, safety, and other County services.

**The Project ignores Agency, resident, and public solutions**

Scoping for the Tioga Inn Project began in 2016. Agencies, residents, and the public have offered constructive comments and common-sense solutions to the problems the Project creates over the last four years through thousands of pages of comments and hours of testimony. We recognize that some Project changes have been made to date—but they don’t go far enough. The Project’s damaging impacts remain. Workable solutions offered during the public process that could fix the Project are very achievable. There is no need to accept the permanent damaging impacts contained in the Proposal before you.

**An Open Letter regarding the Tioga Inn Project**  
**A better project is possible** It is feasible to vastly improve this Project. Your Board does not need to vote to override citizens and local Agencies and accept permanent significant adverse impacts on our community. We all share a desire to provide affordable housing for our community members but this Project as proposed is not the solution. In fact, local efforts are already underway to plan affordable housing in Lee Vining and we welcome your help in making them a reality. Feasible mitigations that have been suggested throughout the Project process are ignored in the final proposal before you. Three important examples are attached. Including these plus other suggested mitigations for wildlife, sustainability, and numerous other items would go a long way to fixing the failures of the current Proposal, heading off future financial burdens to the schools, fire department, and county, and preserving Mono County's reputation for successful community planning. Lee Vining and Mono County deserve better. The Project should not be approved as proposed because it creates too many unacceptable impacts. If you determine that fixing the Project is worthwhile, you can send it back to the Developer with the direction that he work with the community to accomplish a redesign that can be brought back to you in a new proposal that mitigates significant impacts and aligns with the vision and values of the Mono Basin Communi

Sandy Steinman  
[sandysteinman@gmail.com](mailto:sandysteinman@gmail.com)

**From:** [Wendy Sugimura](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: LV development  
**Date:** Friday, June 26, 2020 9:54:59 AM

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**From:** David Strelneck <[strelneck@yahoo.com](mailto:strelneck@yahoo.com)>  
**Sent:** Thursday, June 25, 2020 11:00 AM  
**To:** Bob Gardner <[bgardner@mono.ca.gov](mailto:bgardner@mono.ca.gov)>  
**Subject:** LV development

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisor Gardner,

I hope you're well. I'd like to offer three inputs for your consideration in the upcoming Supervisors consideration of the proposed large housing development outside of Lee Vining, and whether it meets legal requirements both from the narrow codes and broader public interest perspective.

I see it as highly unfortunate the property developer did not find it important to take time during his last 20+ years of operating near Lee Vining to build constructive relationships in the community. If he had, I do not believe you would be facing such a fractious situation right now.

1. I'd observe, if you're not already aware, that some long-term residents' trust in this developer is still being undermined by his comment, at a public meeting with the townspeople in 1993 (to the best of my recollection), in the community church in town...I apologize for this language but it is Dennis Domaille's words not mine..., "I am going to bankrupt this fucking little town." I'd suggest it is the legitimate and legal role of the Supervisors to consider how the public interest would be served by authorizing large development in a tiny community by someone from elsewhere who uses his power and makes that statement in public. And moreso, by a property developer who has had more than 20 years to demonstrate that he does value the actual community but seems not to have done so, for whatever reason.

2. I'd point out that the Mono County Planning Commission solicitation of input from the local school district was inadequate and incomplete. In response to earlier public comments on the record (including one of my own) about impact of the housing development as proposed on the school system, they reported (via Wendy Sugimera's verbal comments on the video during the Planning Commission meeting), that as administrative process they consulted an outgoing administrator in Bridgeport as sufficient to address the substantive public concerns raised, and were not aware of the concerns of the actual ESUSD Superintendent of Schools as expressed in writing just prior to the Planning Commission meeting. (Again I'd observe that the property developer's comments about the Lee Vining schools just aggravate the situation and demonstrate that he's out of touch (even if he would disagree) with actual community members, per his comments in the public meeting in Lee Vining in late summer 2019. I want to see local businesspeople support our children, not undermine them. (And I'd note as aside the peculiarity of calling the Lee Vining school system unviable as the property developer has suggested recently, as some people have been doing since at least 1980 to my recollection,

when it continues annually to send students to places like Stanford University, Ahmerst College, Cerro Coso Community College, and the U.S. Military.)

3. It is damaging and sad that the Lee Vining Volunteer Fire Department team is pulled apart rather than supported by these tensions. Of course you likely have a deeper sense of this. Please consider how this illustrates that it is legitimate and legal and important in our tiny towns, regarding the Supervisors role in safeguarding public interest, to consider how a development affects the community fabric that keeps our core systems functioning (like Fire, Schools, Utilities, etc.) Again it is too bad that this specific property developer has criticized all three of those systems in Lee Vining over the past ~20 years, and it makes me wonder what will happen next. I'd rather see a developer come in who values and helps build local systems through participation or otherwise.

Thank you for considering my input. With best regards,  
David Strelneck  
Mobile phone (760) 920-6123

P.S. I've sent the same input to Fred Stump as I know he has particular insight on the fire and school systems. That is the extent of my input on this process at this point.

**From:** [Michael Stuckey](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:01:35 PM

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To the Mono County Board of Supervisors

The area surrounding Mono Lake has world significance and is a treasure to be preserved and cherished. Although I reside in Arizona, I have a vested interest in the Eastern Sierra and the Mono Lake region.

As a concerned party and one who visits the Mono Lake area often, thus supporting the economy of the area, I ask that the Board of Supervisors **NOT** to support the Tioga Inn Project. Vote NO to the override! To vote for an override of this ill-conceived and reckless project will be a vote for shortsighted and greedy development. There are other, more creative, more sustainable, and environmentally friendly methods to improve Mono County. Do not sell out.

The Project should not be approved as proposed because it creates too many unacceptable impacts. Mono County can and should do better.

Michael Stuckey  
Concerned Citizen

Sent from [Mail](#) for Windows 10

**From:** [stuckster2000](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn Project Override  
**Date:** Thursday, June 25, 2020 12:54:12 PM

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I currently reside in Prescott, Arizona, and am a frequent visitor to the Eastern Sierra, Lee Vining, and Mono Basin area.

I am alarmed and concerned with the Tioga Inn Project proposal and possible override. Clearly, this development plan is extremely short-sighted and most certainly does not take responsibility for, nor address the impact on, residents, infrastructure, and the fragile environment surrounding Lee Vining and the entire Mono Basin area.

What a tragic legacy it would be to ignore all of these important concerns and move forward with this project as it stands. For the sake of the future of Mono Basin, I strongly urge you to vote against the Tioga Inn Project override.

Vote NO on the Tioga Inn Project override.

Most sincerely,  
Barbara Stuckey

555 Deer Horn Ct.,  
Prescott, AZ 86301  
(928)380-5095

Sent from [Mail](#) for Windows 10



**From:** [David Suddjian](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:45:00 PM

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I urge the county to oppose and not to approve the Tioga Inn Project for the many negative impacts it will have on the natural and human resources of the area, especially impacting the scenic views of the area.

David Suddjian  
6 Silverberry  
Littleton, CO

**From:** [Isho Tama-Sweet](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:34:39 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

I respectfully request the Supervisors vote to modify the proposed Tioga Inn project. I have been making annual trips to the Lee Vining area since 1993, so I understand the need for increased services and lodging. However, the proposed project is a significant detriment to much of what makes the Mono Basin so wonderful.

Development can be balanced with meeting the needs of ALL stakeholders and stewards of the Mono Basin. In short, we can do much better.

Thank you.

Isho Tama-Sweet, PhD

Sent from [Mail](#) for Windows 10

**From:** [Craig Tapley](#)  
**To:** [CDD Comments](#)  
**Subject:** Approval of Tioga Housing  
**Date:** Tuesday, June 23, 2020 10:23:35 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

It is my opinion that any sort of Housing be approved without having this go to a vote. In our local communities Mammoth, June, Lee Vining available housing be it work force, affordable or anything even remotely available is rare. Many Business owners cannot staff their operations due to not having employees who can find Housing or even afford it. As I am sure you are aware of the desperate need for Employee or Housing in general there shouldn't be any wavering to approve the Housing portion of the project that is being presented by the Tioga project. As a matter of fact I would be thanking the applicant for the opportunity of making this a viable project. At this time to not approve the application for 100 housing units be it single bedrooms or multiple bedrooms would be to continue non-support to all of our local business owners, as well as those individuals who cannot find housing.

Please approve the application and at a minimum allow for the 100 bedrooms of housing!

Sincerely, Craig Tapley

Craig Tapley, Principal/ AIA Assoc.  
DESIGN DIMENSION ASSOC.  
P.O. Box 7193  
Mammoth Lakes, CA. 93546  
760.934.4348

**From:** [Georgette Theotig](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:42:40 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to officially submit my comments to the Mono County Board of Supervisors regarding the proposed Tioga Inn Resort. I first want to say that I am a long-time visitor to the Mono Basin, coming annually since 1976 to enjoy low-impact recreation such hiking, backpacking, photography, art, botanizing, and exploring historic sites. I have come to cherish the Mono Basin for the unique and scenic treasure that it is. Therefore, I am strongly opposed to the proposed Tioga Inn Resort plan as it has been presented to the Board of Supervisors, for these reasons:

1. This over-sized development threatens the open space experience that brings visitors to the Mono Basin. The large and unmitigated impacts on both the town of Lee Vining and surrounding environment are inexcusable.
2. It also violates the Mono Basin Community Plan Vision and Principles. Why is this conflict permitted to occur?
3. The proposed development is located at the turn-off for Yosemite National Park, where visitors arrive expecting a mostly pristine experience, and instead are greeted with this big-city collection of commercial buildings as they turn to enter the park. This concept is outdated and not acceptable any more.

I am disappointed that wiser leadership and long-term thinking has not entered the conversation when planning for the Tioga Inn. The residents and visitors to the Mono Basin deserve better than this project as it will be presented to the Board.

Sincerely,  
Georgette Theotig  
P.O. Box 38  
Tehachapi, CA 93581  
[gtheotig@sbcglobal.net](mailto:gtheotig@sbcglobal.net)

**From:** [george](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 11:55:43 PM

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I would like to reiterate what a mistake this project would be in its' present form. The site is in direct line of sight of the Sierra Crest at Tioga Pass and would ruin the singular scenic beauty of same. If housing is needed for employees I am sure it could be handled in a smaller facility. The Inn itself should be held to a single story designed to blend with and compliment the area. The existing community cannot absorb the impact of the planned development.

Thank you,  
George and Gayle Todd

"...Rage, rage against the dying of the light!"

**From:** [BT](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Reject the Tioga Inn Project  
**Date:** Friday, June 26, 2020 2:29:55 PM

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Dear Mono County Board of Supervisors,

I suggest you reject the Tioga Inn Project because it will have a negative impact on the Mono Basin's environment including:

- Adverse affect on the Diablo Mule Deer Herd
- Night sky disturbance from ambient light sources at Tioga Inn housing and vehicle lights on new paved roads.
- Degradation of spectacular views on the shore of Mono Lake, Mono Basin National Forest Scenic Area, and Mono Lake Tufa State Natural Reserve
- Makes Mono County appear less "Wild by Nature" when traveling from Yosemite NP.

Regards,  
Ben Toland

**From:** [cassie and alison may tudor](#)  
**To:** [CDD Comments](#)  
**Subject:** Opposition of the Tioga Inn Development  
**Date:** Wednesday, June 24, 2020 8:35:59 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono Lake County Supervisors,

My name is Cassie May and I am writing to oppose the development of Tioga Inn. The night sky, sound scape and scenery would be severely impacted. It is also deeply disrespect to develop without consultation of the Mono Lake Kutzadika tribe.

I am also deeply concerned about the amount of water that would need to be diverted from Mono Lake. It is time to stop reckless development, not create additional pollution to the area. In addition wait times to get into Yosemite would only be increased without adequate shuttles.

Sincerely,

Cassie May

Sent from the road.

**From:** [MARY TUMBUSCH](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Cc:** [Mono Lake Committee](#)  
**Subject:** Tioga Inn project proposal  
**Date:** Friday, June 26, 2020 9:44:33 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please pass along to all concerned:

Again, I am writing to oppose the Tioga Inn project proposal, a large-scale development project that threatens to permanently alter the visual resources of the Mono Basin National Forest Scenic Area and the Mono Lake Tufa State Natural Reserve and erase the small-town, rural character of Lee Vining.

After reading the analysis of and mitigation for various impacts-including aesthetics, population and growth-inducing impacts, traffic and pedestrian safety, biological resources, wildfire hazards, Vehicle Miles Traveled, and greenhouse gas emissions- the Tioga Inn Specific Plan Amendment & Final Subsequent Environmental Impact Report (FSEIR) also remain incomplete. According to opponents of the project, "Of particular concern to the Mono Lake Committee, the FSEIR still fails to provide sufficient information to analyze the Project's aesthetic impacts from public vantage points, including South Tufa. Lacking this essential information, the FSEIR also overlooks feasible mitigation, including grading and berming, that could reduce these impacts. The failure to adequately analyze or mitigate pedestrian safety and wildfire risk is especially troubling given that it could endanger current and future residents of the area, and the County is being asked to make override findings to approve the project. Lastly, the FSEIR, like the Draft Subsequent Environmental Impact Report (DSEIR), continues to ignore the policies in the Mono Basin Community Plan, going so far as to claim the Project is consistent with policies designed to maintain Lee Vining's small-town character because it does not increase the town's population above 10,000 residents."

The increased population in the project area will consume more products and produce tons of garbage. Landfill sites become bigger and bigger that pollute air, soil and water. The project still carries significant, unavoidable, and negative impacts to the scenic resources of this special place and to the safety of its residents, visitors, and wildlife.

My interest in the Mono Basin is a home in Mono City, and a family legacy that my father, Edward Tumbusch built at 590 East Mono Lake Dr., Lee Vining, CA. The Basin is one of the most beautiful spots that I have had the pleasure to enjoy and has remained relatively unchanged for over 60 years, thanks largely to its residents and the Mono Lake Committee.

Unfortunately, people forget that we are the integral part of nature. We must live in balance with environment and care for it. We must share this world with plants and animals. What is done cannot be undone. We must think of future generation and what will be left after us.

Sincerely,

Mary Tumbusch

A very concerned citizen



**From:** [Linda M Turkatte](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 10:41:28 PM

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To Whom it May Concern,

Regarding The Tioga Inn Project

The Mono Lake Committee has offered alternative ways to improve this project and protect the integrity of the natural environment since the beginning of the proposal f four years ago. Despite receiving hundreds of comments from the public offering ways to mitigate or solve the project's significant adverse impacts, the developer has refused to propose meaningful changes in the final proposal that he Board will evaluate.

Therefore I am voicing my opinion to reject the proposal as it has been submitted. In the current atmosphere of profit over environmental protection it its imperative the committee reject the current proposal.

Respectfully,

Linda M Turkatte

**From:** [Johnathon Turner](#)  
**To:** [CDD Comments: bartshe@monolake.org](#)  
**Subject:** Tioga Inn  
**Date:** Thursday, June 25, 2020 7:27:27 AM

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Hello Mono County Board of Supervisors-

I appreciate this one last opportunity to comment on the Tioga Inn.

I've been traveling to the Mono Basin almost every year since 1978, and I do understand the need for more and updated visitor facilities in this immediate area. Yet the current plans for the Tioga Inn are remarkably overwrought and will leave an obscene eyesore on the untrod vistas of the Sierra crest and of the whole basin.

A major factor to consider now is the changing economic climate that has been brought on by the Covid-19 pandemic. There's a significant risk to any major tourism project these days, and some speculation about a tanking economy for up to a decade.

What does this mean? For one thing, financing could run out in the middle of this vast project -- leaving resident and visitors to gasp at yet another vast, unfinished and abandoned project in the high desert. The other consideration is that huge numbers of unemployed folks may not be traveling as often and staying at fancy high end resorts -- such that the Tioga Inn could be up and complete, yet no one shows up and the Inn remains mostly empty.

The Tioga Inn plans seem overly ambitious, and they present a callous disregard of the unspoiled beauty of the area. A re-thought, more "eco-friendly" and low key version of this plan could be the magic solution here, rather than allowing this project to go on "as is". There is room for compromise here.

The Board is making a very significant and long-term decision here, and I hope that you will unanimously choose to reconsider and deny the current plan for the Tioga Inn.

Thank you very much for your time.

Kind regards-  
Johnathon Turner

**From:** [Janice Tweedy](#)  
**To:** [CDD Comments](#)  
**Subject:** Tioga Inn  
**Date:** Friday, June 26, 2020 9:20:38 AM

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I oppose the project as currently designed.

Thank you  
Janice Tweedy

**From:** [Bob Tyson](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Cc:** [Bob Tyson](#)  
**Subject:** COMMENT for Mono County Board of Supervisors hearing on Tioga Inn project on 29 June 2020  
**Date:** Thursday, June 25, 2020 6:14:23 PM

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To the Board and interested parties:

I have previously written to you to oppose this proposal and the project design as it has so far been presented. My principal objection lies in the devastating degradation of the viewshed and general ambience of the site and surrounding area. As one now approaches the US 395 and CA 120 intersection the raw landscape is the principal element one encounters. And it is this very aspect that forms a major element in the authentic draw and importance of this part of the Eastern Sierra in the eyes of visitors and local residents alike. Revising the Tioga Inn Project in such a way as to respect the visual and rugged natural environmental values is essential, and for the project owners to do so will demonstrate a public holding of value in maintaining these elements of the local environment.

I would think that taking such a course and redesigning to support that should give the project's owners a leg up in marketing their facility to a broad audience, adding the value of upholding a natural element of such worth to the community and to the experience of those who will visit and utilize the facilities to be developed in this proposal.

There are further aspects that concern me including impacts on water resources, sewage and waste disposal, and abatement of vehicle pollution. I don't see those addressed in the plan as presently before the Board. But my primary concern is that the project, if it be approved, be modified so as to be essentially absent from the visual atmosphere and presence along this shore of Mono Lake and the US 395 and CA 120 corridors.

Thank you for accepting my comments.

Bob Tyson  
211 Mesquite Rd  
Bishop CA 93514  
(650) 485-6293

---

dott. Bob Tyson

Docente di Fotografia  
Laboratorio di Fotodocumentazione dei Beni Culturali  
Università Cattolica del Sacro Cuore, Brescia

Cellulare +39 347 055 20 89  
+1 650 475 6293

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**From:** [Jane Udall](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 8:22:19 AM

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Not quite sure why Supervisors would even consider a project damaging to the ONE economic driver in the Lee Vining community: TOURISM which relies on SCENIC BEAUTY. You really want that to be your legacy?  
Jane Udall

**From:** [iav1](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 7:09:27 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono Lake Committee,

My name is Irene Vasquez and I am opposed to the development of Tioga Inn. The night sky, sound scape and scenery would be severely impacted.

An a decendant of a Mono Lake Paiute woman, Irene Harrison I am opposed to the development without the serious consultation of the Mono Lake Kutzadika tribe.

I am also deeply concerned about the amount of water that would need to be diverted from Mono Lake. It is time to stop reckless development, not create additional pollution to the area. In addition wait times to get into Yosemite would only be increased without adequate shuttles.

Sincerely,  
Irene A. Vasquez

**From:** [Veronica](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Project  
**Date:** Wednesday, June 24, 2020 6:57:56 PM

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I am definitely against it as it ruins things via traffic & tourists.  
With Covid 19, what will “new normal” be. We don’t know!

Sent from my iPhone

**From:** [Warren Watkins](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** No on Tioga Inn  
**Date:** Thursday, June 25, 2020 3:25:09 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors:

We are fans and visitors to the Mono Lake region, and ask that you represent the public interest.

It is not in the public interest to approve this private resort that would impact the natural resources there and reduce the quality of the area for public use and wildlife habitation.

It is that simple.

Warren Watkins  
native CA



**From:** [Gretchen Whisenand](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Comment  
**Date:** Friday, June 26, 2020 2:49:14 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have visited Mono Lake several times a summer for decades, and have been a Mono Lake Committee Member for longer than that. Why? Because few places on the planet (and I have travelled to many) approach the serene, otherworldly beauty of this special area. It is an unspoiled natural refuge from the soulless chaos we have sadly reduced much of our human world to.

Plopping down a huddle of ugly buildings smack dab in the middle of the incomparable view of the Sierra Crest would be a sacrilege. They would be so glaringly out of place that they would be impossible to ignore visually. And they would be visible from all over the basin. Their obtrusive presence would destroy the feeling of safe comfort in undesecrated nature that I-and many others-desperately need Mono Lake for. Especially now.

Please don't ruin this lovely, fragile place. It would break my heart.

Thank you,  
Gretchen Whisenand

**From:** [Lane White](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn project  
**Date:** Thursday, June 25, 2020 4:01:54 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mono County Community Development Department,

Please consider a compromise that would serve the needs of the Tioga Inn project while limiting environmental impact in this area. In Mono County where residents, visitors and businesses already respect their surroundings I encourage you to find a solution that would limit the infringement on an already fragile environment.

This project should not be visible from South Tufa or Highway 395 south of the Tioga Pass junction. Light pollution should not be allowed as seen from anywhere around Mono Lake.

This project will change the unique ecosystem of the Mono Basin. I believe this change will certainly have a negative effect on tourism and therefore a negative economic impact on the existing community.

Thank you,

Lane White  
California resident and frequent visitor to Mono County

**From:** [Judi Whitelaw](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Wednesday, June 24, 2020 8:48:02 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Sent from Yahoo Mail on Android](#)

To the Mono County Supervisors,

Mono Lake and the 395 corridor need to remain the wilderness land it is. The project would be a blight on the land and is not necessary. If one is interested in staying in a hotel like this Mammoth Lakes is right down the road. The simplicity of the area must be maintained. There is so little wild land left. Please make the right decision.

Sincerely,  
Judy Whitelaw

**From:** [Ray](#)  
**To:** [CDD Comments; bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 12:45:27 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Board of Supervisors:

Please Listen to the **Mono Lake Committee;**

The Tioga Inn Project as currently designed is Horrible!!

Please modify the project to reduce its impact on the environment including the Mono Basin, or have the **courtesy to KILL IT!**

Ray Winter  
Member/Supporter of the Committee  
Visitor to the area for a number of years  
Residence in Walnut Creek, CA

**From:** [Lisa Woodward](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 3:25:07 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,

As a frequent visitor to Lee Vining and Mono Lake I was alarmed to learn of the proposed Tioga Inn Project and the impacts it will cause to the region. While I support property owners rights to development of their lands, I also believe community input about the project should be addressed and considered, especially a project of this size located on highly visible property. This WILL affect the view shed in all directions, most predominately looking west toward Tioga Pass and the mountains, but also looking east as travelers head down into the valley from Yosemite. While biological and archaeological impacts can be mitigated, how will the impacts to the view shed be addressed and mitigated? Have there been studies on the impacts to the view shed?

Thank you for your time,

Lisa Woodward, Ph.D.

**From:** [Patrick Woodworth](#)  
**To:** [CDD Comments; bartshe@monolake.org](#)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 6:01:47 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to urge the Mono County supervisors to oppose the project as currently designed. Many mitigations have been proposed and they need further consideration before a project of this magnitude goes forward. In my opinion the current design would have significant negative effects on area I have been visiting for the past 30 years. Patrick Woodworth

**From:** [PHILIP WRIGHT](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 11:43:46 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Supervisors:

We have travelled past Mono Lake and stopped in Lee Vining for many years and always enjoyed the serenely scenic beauty. We are members of the Mono Lake Committee and have been impressed by their hard work in managing the water flow into the lake.

Now the Tioga Inn project will turn Lee Vining into a mini South Lake Tahoe. Please do not sully the beauty of this natural treasure.

Lee Vining is a lovely town with great people. Why do you want to destroy it for a developer's greed? If approved it is certain the developer will want to build a KFC, McDonald's and maybe an event center!

The residents of Lee Vining do not need this project and neither do tourists en route to Yosemite. The development compromises the safety of motorists, pedestrians and cyclists.

The Lee Vining community and Mono County taxpayers should not be burdened by the increased financial burdens that should be the responsibility of the developers. Time and again we have seen developers fail to take care of their obligations and the burden falls to local taxpayers and communities.

Please do not commercialize this environmentally significant paradise with the project as laid down by the developers, adding unsightly and unnatural development in the Mono Lake Basin. The adverse effects of the Tioga Inn project will taint this landscape for all times.

We ask that you deny approval of the Tioga Inn project.

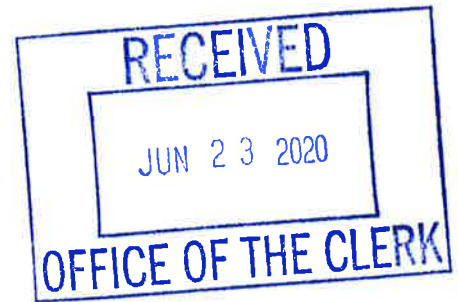
Yours sincerely,

Penelope Wright and Philip Wright, Gardnerville, Nevada



June 18, 2020

Mono County Board of Supervisors  
P.O. Box 715  
Bridgeport, California 93517



Folks,

It had been a long trip. The day started in Pennsylvania with a very early morning flight. Picking up a car in San Francisco, I started the five-hour drive to a place I had never been. The shadows were just beginning to lengthen as I headed over the Tioga road toward a place where a room awaited me for the next three days...Lee Vining. Weary, I couldn't wait to get a hot shower, a meal, and then a good night's sleep. Just then I came around a turn on the pass and the whole Mono Basin opened up before me! Speechless! My eyes moved right... left... all around. The beauty, simplicity, and utter quiet left me numb! The year was 1985; and that day a young man from the east coast saw for the first time what the world could be...unspoiled by mankind. The next morning, arriving at the lake before dawn, I could see clearly every star in the sky. They seemed so incredibly close. As the early morning light broke over the distant horizon, I felt like I was being treated to the dawn of creation. Surrounded by the growing color I sat mesmerized. Every sense was engaged in a soothing ballet. The cool breeze...the sweet smell of pinion and sage...the call of the birds...the growing warmth...and the beauty revealed as the sun continued to rise.

During the days I explored the town, hiked throughout the hills, and discovered many new places. Each night I returned to that little town with the big heart. People were friendly. They treated me like they had known me forever. It was a town big enough to take care of you but not so big that it ever got in the way...or became overpowering. That young man...who is now a bit older...has been back every year since...and things have never really changed. That is really nice in a world where so many good things have been lost because some guy trying to make a quick buck sold someone else something they didn't need.

Lee Vining and the Mono Lake area are special places. They are gifts that we are merely stewards of. They have been unspoiled for thousands of years. Those who live there are very lucky. Those from away get to dream about it and long for the time they can see it again! This piece of creation needs to be protected and preserved so that our children and their children can experience what that young man in 1985 did.

Please...go slow. The plan before you promises a lot...but at what cost? Lee Vining does have some needs. They do have things that should be considered...but isn't that best left to the people of the town? This is too much...too fast! Let the town as a group determine and decide their destiny.

You have something beyond imagination here. Please step back and take it all in...because, if you lose it, you might never be able to get it back!

Sincerely,

Dan Zimmermann



**From:** [Jennifer Zuber](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Re: Decision on Tioga Inn project will be made Monday  
**Date:** Wednesday, June 24, 2020 5:32:56 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please move forward on your development project only after you've mitigated all the flaws in your plan by adopting all the recommendations made by The Mono Lake Committee and their public allies.

Your plan exposes your lack of love for the ecosystem-HOME that these people are banging their head against a power-wall (you!) to protect.

Adopt the philosophy that love reigns and the arc of the universe is toward goodness. It's not too late!

Make good, love-filled decisions.

Your impact is irreversible.

Helpful hint: don't think about yourself or anyone/any animal alive right now. Think about all those unborn souls yet to come. What earth shall you leave them?

Eastern WA dares you to answer this with the voice of your eternal soul.

Love, peace, mountains, Jennifer Zuber

**From:** [zuckermanbeth@gmail.com](mailto:zuckermanbeth@gmail.com) on behalf of [Elizabeth Zuckerman](#)  
**To:** [CDD Comments](#); [bartshe@monolake.org](mailto:bartshe@monolake.org)  
**Subject:** Tioga Inn Project  
**Date:** Thursday, June 25, 2020 2:23:33 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am working on Monday morning, so I am unable to attend the meeting either in person or on Zoom. I do wish, however, to express my concerns that the project, as currently planned, will have serious adverse impacts on the scenic nature of Mono Lake and the Mono Basin, precious places that I and many others treasure and love to visit.

I am a nature photographer who has regularly visits and photographs Mono Lake, often bringing friends and relatives with me. Every year (well, perhaps not this year), I bring tourist dollars to the area. I participate in night photography workshops in the Mono Basin, which depend on dark sky conditions that could be destroyed by the light from this planned project. Rather than improving tourism in the area by approving this project, you could be ruining the very things that make Mono Lake the special place that brings people to visit time and again.

I urge you reconsider approving the project in its current form, and instead extract some meaningful concessions from the developer so that a less damaging project could be built.

Thank you,  
Elizabeth Zuckerman

Mono County  
Community Development Department

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

Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5425, fax 932-5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

COMPLETENESS OF APPLICATION  
DETERMINATION

PROJECT NAME Tioga Inn SP Amendment

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

ASSESSOR PARCEL # see above

APPLICANT Dennis Domaille

DATE OF APPLICATION SUBMITTAL July 2016

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

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

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

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

Submittal materials reviewed by staff see above

*File*

DETERMINATION BY [Signature] TITLE Principal Planner

DATE OF DETERMINATION 7/28/2016



**RESOLUTION R20-\_\_**

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

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

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

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

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

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

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

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

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

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

1 #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced  
2 visual and other impacts, and included other project changes; and

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

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

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

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

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

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

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

- 29 A. **AMENDED MM SVCS 5.8(a-3) Shuttle Service:** A shuttle service shall be provided between the  
30 project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. The  
shuttle service will 1) be staffed by qualified drivers, 2) ~~will~~ be equipped with ADA-compliant  
features, ~~and will 3)~~ follow established routes with regular minimum drop-off and pick-up times  
(including a minimum of three daily round trips during the operating season), and 4) begin operations

1 each year no later than July 4 and end each year no sooner than Labor Day. The shuttle service will be  
2 available for use by hotel guests and residents of the Community Housing Complex.

- 3 B. In the visual analysis scoring in “Table 5.12-3. Caltrans Visual Impact Assessment Questionnaire and  
4 Responses,” the scoring for Item #4 is changed to 3 points, and the total score is updated to 23 points.
- 5 C. Add the following language to the Open Space-Support designation: The Open Space-Support  
6 designation shall also permit maintenance of a permanent secondary emergency access road, to be  
7 located in the southwest quadrant of the Tioga site.
- 8 D. Add to the Specific Plan the following Implementation Measure 2a(5): The applicant shall provide  
9 Mono County Public Health Department with monthly measurements and recordings of static water  
10 levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The  
11 monthly measurements shall be provided to the County for at least the first year to establish a baseline;  
12 monitoring shall continue on at least a quarterly basis thereafter.
- 13 E. **AMENDED** Mitigation AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be  
14 submitted with the building permit application and approved by the Community Development  
15 Department before the building permit can be issued. The plan shall comply with Chapter 23 of  
16 the Mono County General Plan and provide detailed information including but not limited to:  
17 (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono  
18 County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3)  
19 will be prohibited in this project, and that only full cutoff luminaires with light source downcast  
20 and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore,  
21 although lighting is not required for parking areas, roads and pedestrian walkways, Mono  
22 County will permit safety lighting to be provided in the parking areas, roads and pedestrian  
23 walkways provided that such lighting must meet all other applicable requirements of this  
24 Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens  
25 per acre maximum.<sup>1</sup> Kelvin color temperature should be approximately 2300K, and  
26 temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the  
27 hours between 30-minutes following sunset, and 30 minutes prior to sunrise;  
28 (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to  
29 limit light impacts to the least necessary for public health and safety. The height of bollard  
30 lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not  
exceed 1,000 lumens<sup>2</sup>;  
(c) accent lighting shall be limited to residential accent lighting required for safety, and any up-  
lighting shall be prohibited;  
(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures;  
and  
(e) drawings for all relevant building elevations showing the fixtures, the portions of the  
elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any  
remote light fixture.

1 <sup>1</sup> Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darkskysociety.org/>), 2009: [http://www.darksky  
3 society.org/handouts/LightingPlanGuidelines.pdf](http://www.darksky<br/>2 society.org/handouts/LightingPlanGuidelines.pdf).

4 <sup>2</sup> Yosemite National Park Lighting Guidelines, May 2011: [https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-  
6 05062011.pdf](https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-<br/>5 05062011.pdf)

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

- 4 (a) A written narrative to demonstrate lighting objectives,
- 5 (b) Photometric data,
- 6 (c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed  
7 lighting fixtures,
- 8 (d) A computer-generated photometric grid showing footcandle readings every 10 feet within  
9 the property or site, and 10 feet beyond the property lines, and/or
- 10 (e) Landscaping information to describe potential screening.

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

16 **SECTION THREE:** Having reviewed and considered all information and evidence presented to it  
17 including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report  
18 (DSEIR and FSEIR, respectively), and staff reports and presentations, the Board of Supervisors finds that:

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

21 The proposed changes to the Tioga Inn Specific Plan which changes comprise the Tioga Inn Specific  
22 Plan Amendment #3 (Amendment) are consistent with General Plan policies directing the County  
23 to utilize the specific plan process for large-scale projects and of the Land Use Element to contain  
24 growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The  
25 project site is an existing specific plan approved for development and essentially adjacent to the  
26 existing town of Lee Vining. The amendment is also consistent with General Plan policies for  
27 amending Specific Plans (Chapter 36 and Chapter 48).

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

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

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

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

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

22  
23  
24 C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within  
25 the proposed specific plan because:*

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

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

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



1 in the Housing Needs Assessment. The Housing Needs Assessment identified this need without the  
2 proposed hotel.

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

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

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

19 **SECTION FOUR:** The Board of Supervisors hereby takes the following actions: 1) makes the  
20 findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in  
21 **Exhibit A**; 2) certifies the Final SEIR; 3) adopts the Mitigation Monitoring and Reporting Program as  
22 modified by Section Two; and 4) approves Alternative #6 of the Tioga Inn Specific Plan Amendment #3 as  
23 modified by Section Two.

24 **PASSED AND ADOPTED** this 29 or 30 day of June, 2020, by the following vote of the Board:

25 AYES :

26 NOES :

27 ABSENT :

28 ABSTAIN :

29 \_\_\_\_\_  
Jennifer Kreitz, Vice Chair

30 ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scheereen Dedman  
Clerk of the Board

\_\_\_\_\_  
Stacey Simon  
County Counsel

## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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

#### I. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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## II. FSEIR BACKGROUND AND PROCESS

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

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

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

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

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

### III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

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

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

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

### IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

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

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

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

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

## V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

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

## VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

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

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.

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

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

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
- *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
  - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
  - *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
  - *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
  - *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*
2. **HYDROLOGY AND WATER QUALITY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.
- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono*

County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.

- Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.
- Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.
- Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.
- Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.
- Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:

<b>Low Impact Development Features of the Tioga Community Housing Project</b>	
<b>NATURAL DRAINAGE CONTROLS</b>	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.
<b>RUNOFF COLLECTION AND TREATMENT</b>	Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.
<b>ONSITE FLOW RETENTION</b>	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.
<b>INFILTRATION</b>	Use of rock swales & collection features to enhance filtration of pollutants.
<b>RUNOFF SEPARATION</b>	Channels and/or swales will be used to create a separate between roads and pedestrian paths.
<b>ROAD DESIGN</b>	Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.
<b>CLUSTER DESIGN</b>	Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.
<b>VEGETATION RETENTION</b>	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.
<b>SCREENING</b>	The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.

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

<b>Spill and Leak Best Management Practices of the Tioga Community Housing Project</b>	
<b>SPILLS</b>	<i>Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.</i>
	<i>Drip pans &amp; funnels shall at all times be readily available to gas station customers &amp; staff for use when draining or pouring fluids.</i>
	<i>At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff</i>
	<i>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff &amp; customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.</i>
<b>LEAK CONTROLS</b>	<i>Drip pans &amp; funnels shall at all times be accessible and readily available for use with stored vehicles.</i>
	<i>Drip pans shall be placed under the spouts of liquid storage containers.</i>
<b>TRAINING</b>	<i>All gas station employees, as well as the housing manager, shall be trained on spill &amp; leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
<b>FUELING</b>	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff &amp; customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
<b>WASTE TREATMENT PLANT</b>	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>
<b>WASHING</b>	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided &amp; designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold &amp; used at the gas station shall be biodegradable and free of phosphates.</i>

- Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): *Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated*



effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.

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

**3. BIOLOGICAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or have a substantial adverse effect on any riparian habitat or other sensitive natural plant community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; or have a substantial adverse effect on a state or federally protected wetlands; or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as discussed on DSEIR pages 5.3-17 through 5.3-26. Please see §VII for discussion of the significant adverse impacts associated with the project potential to interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation):* Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria

that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.

- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.*
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.*
- *Mitigation Measure BIO 5.3(a-4) (Badger Survey): A pre-disturbance denning badger survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 100 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active dens will be buffered by a minimum distance of 100 feet, until the biologist finds that den occupation has ended.*
- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas): The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
  - (a) *TOPSOILS: During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.*
  - (b) *SCREENING: Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.*
  - (c) *BITTERBRUSH: Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.*
  - (d) *SEED MIX ADJACENT TO ROADS: The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.*
  - (e) *WEED CONTROL: Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.**

(f) *MONITORING*: Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

- *Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting)*: Night lighting shall be shielded and in compliance with Chapter 23, *Dark Sky Regulations*, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- *Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration)*: All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.
- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395)*: Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.
- *Mitigation Measure BIO 5.3(d-4) (Waste Receptacles)*: All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.

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

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources)*: Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural

resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation<sup>2</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

- Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources): All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.
- Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains): No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

5. **LAND USE AND RECREATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to physically divide an established community; or conflict with any applicable land use plan,

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

policy, or regulation; or Increase the use of park facilities such that substantial physical deterioration would occur; or impact the acreage or function of designated open space, as discussed on DSEIR pages 5.5-14 through 5.5-27.

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

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

- *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
- *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290 & N§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30' from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*
- *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*

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

- *Mitigation Measure SVCS 5.8(a-1) (Pedestrian Safety).* A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant (just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/ cycling pathway. Construction of a pedestrian/ cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection.
- *Mitigation Measure SVCS 5.8(a-2) (Defibrillators):* At least two 'Automated External Defibrillator' units (also known as portable defibrillators) shall be maintained in good working condition at the housing area. At a minimum, one Automated External Defibrillator unit shall be provided at the day care center (at the north end of the housing complex), and a second unit at the southeastern-most housing structure. The onsite Community Housing Manager shall receive training in use of the portable device. The onsite housing manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through.

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

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

**VII. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT THAT ARE SIGNIFICANT, ADVERSE AND UNAVOIDABLE.** Project impacts have been determined to be potentially significant, and unavoidable, for the environmental factors discussed in this section.

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

**a. MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.

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

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

- i. **Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.
- ii. **FINDING:** Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

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

- a. **MITIGATION.** Mitigation Measures BIO 5.3(a-5) and BIO 5.3(d-3), shown below, have been incorporated into the FSEIR to reduce mule deer mortality in the project area.
  - *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
  - *Mitigation Measure BIO 5.3(d-3) (Protected Corridor):* Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.
- b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:
  - i. **Facts and Reasoning that Support the Finding:** Implementation of Mitigation Measure BIO 5.3(a-5) (which requires eviction of tenants who do not comply with pet leash requirements, and who do not properly dispose of trash) and Mitigation BIO 5.3(d-3) (which requires a protected corridor along US 395) will reduce the direct project impacts on deer migration and on deer mortality to less than significant levels. However, these measures will not be sufficient to reduce to less than significant levels the cumulative project impacts on deer

migration that are associated with regional transportation and development improvements. The cumulative impacts can be mitigated only through the creation of a dedicated deer passageway. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'). The project site and vicinity was not among the identified hotspot locations, and is thus not among the areas that will be considered for funding of a future wildlife passageway. Furthermore, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority hotspot location, due to difficult US 395 roadway geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.

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

**3. PUBLIC SERVICES AND UTILITIES – Potential for Safety Hazards Associated with Increased Foot Traffic to and from the Project Site and Lee Vining.**

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

- a. **MITIGATION:** Mitigation Measure SVCS 5.8(a-1), shown below, has been incorporated as a project requirement with the intent to establish a formal trail right-of-way inside the project boundary that can link to other trail segments connecting the site to Lee Vining. A through connection between the site and Lee Vining would require Caltrans implementation of a non-motorized connectivity project between Lee Vining and the SR 120/US 395 intersection.

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

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

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

Caltrans indicates that SR 120 is currently designated as a freeway, with access controls that prohibit at-grade crossings. Caltrans plans to change the designation of SR 120 from 'freeway' to 'conventional highway,' and



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

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

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

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

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was determined to be infeasible for several reasons, including SCE concerns regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors). A wide range of alternatives has been analyzed and it has been determined that none of the alternatives would reduce impacts to less than significant levels. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although the extent of foot travel would be lower than with the project as proposed. .

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

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

- a. **MITIGATION.** The DSEIR Traffic Impact Analysis identified two mitigation recommendations for the identified hazard, including Mitigation Measure TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or Mitigation Measure TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 305/SR 120 intersection. Either mitigation measure would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the

project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the mitigation measures described above have been found to be infeasible, and have been deleted from the FSEIR, as described below.

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

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

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

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

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

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

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

- ii. Finding:** For all of the reasons cited above, there is no feasible mitigation available at this time that would reduce to less than significant levels the potentially significant and unavoidable traffic and circulation hazards that have been identified at the Intersection of US 395 and SR 120 during midday peak hour

conditions. Moreover, the adverse conditions will exist with or without the proposed project. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce impacts on the SR 120/US 395 intersection. The potential for adverse impacts at the intersection of SR 120/US 395 is therefore considered to be significant and unavoidable.

**5a. AESTHETICS – Potential for the Project to have a Substantial Adverse Effect on a Scenic Vista or Scenic Resources, or to Substantially Degrade the Visual Character or Quality of Public Views of the Site and Surroundings.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-14 to 5.12-26, it has been determined that the proposed project will have a substantial adverse impact on scenic vistas and scenic resources in the project area, and that the project will degrade the visual character and quality of public views of the site and surrounding area.

**a. MITIGATION:** In response to the DSEIR comment letters, the proposed design of the Community Housing Units was substantially modified to create a new preferred “Alternative 6.” Alternative 6 incorporates multiple changes, based on comment letter suggestions, including changes in the form and number and orientation of housing structures, development of a detailed plan for revegetation of disturbed areas, new 3’ high berms below each of the main residential parking lots, replacement of two-story elevations with 1-story elevations for the lower row of 6 residential structures, additional specifications for paint colors and roofing materials, additional grading to lower pad elevations in some locations, and a new phasing plan that places the most visible units in the final phase to be built only if and when occupancy of the Phase 1 and 2 units reaches 80%. At the same time, the maximum allowed size of the studio/1 bedroom and 2 bedroom units was increased to improve livability for future residents. In addition to the changes noted above, Mitigation Measure AES 5.12 has been incorporated to require that landscaping, building and design elements be selected and applied with the specific intent to minimize offsite views.

- *Mitigation Measure AES 5.12 (Screening Design Features): All landscaping, landscape irrigation, building materials and design elements used in development of the proposed project elements shall be selected and applied in a manner that screens or minimizes offsite views of project elements to the maximum feasible extent, consistent with other mitigation requirements outlined in this EIR.*

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

**i. Facts and Reasoning that Support the Finding:** The Tioga Community Housing project site is located in or adjacent to four formally designated scenic resources/designations including US 395 (a designated State Scenic Highway), SR 120 (a designated County Scenic Highway that is eligible for designation as a State Scenic Highway), proximity to the Mono Basin National Forest Scenic Area (the site is located less than ½-mile from southwestern Scenic Area boundary), and the Mono County Scenic Combining District Overall. Based on the results of a Visual Impact Assessment (VIA) and schematic renderings prepared for the project DSEIR, the DSEIR identified project impacts on scenic resources as a significant and adverse impact.

Comment letters on the DSEIR requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent. Many of the commenters requested modifications to entirely eliminate or significantly minimize project views from US 395 and South Tufa (and other locations).

Following close of the DSEIR review period, and in response to comments received, the project proposal was substantively modified. A new Alternative 6 is now proposed as the preferred project alternative. Alternative 6 substantively lessens project impacts on scenic resources and project visibility, compared to the Concept Plan as presented in the DSEIR. Important changes include a reduction in the number of housing structures from 15 to 11, added specifications for paint color and roofing materials, additional grading to lower pad elevations in some areas, a new phasing plan, new 3- high landscaped screening berms downgradient of the two main parking lots, relocation of the day care center to the north end of the complex, and a reduction in the number of housing complex ‘rows’ (i.e., rows of housing structures, and parking lot rows) from 6 to 4,

facilitating a slight reduction in the overall housing complex footprint. At the same time, the maximum size of the studio, 1-bedroom and 2-bedroom units was increased to provide enhanced livability for future residents.

Line-of-sight analyses indicate that Alternative 6 essentially eliminates all project views from US 395: only 1' of roofline for the 1-story easternmost units will be visible from US 395 with the new Alternative 6 design. Project views from the South Tufa parking lot would be entirely eliminated with Alternative 6. Views of the lower six 1-story units would also be entirely screened from view at Navy Beach; however, all of the 5 two-story upper structures would remain visible from this vantage point, and from the water's edge at South Tufa Beach.

New preferred Alternative 6 incorporates all of the feasible design modifications that were suggested in the DSEIR comment letters as well as some additional design elements (such as the increased maximum area of the housing units). Additionally, a wide range of alternatives has been analyzed and it has been determined that none of the alternatives (with the exception of the No Project Alternative) would lessen impacts on scenic resources to less than significant levels.

- ii. **Finding:** For all of the reasons cited above, and notwithstanding the substantial improvements associated with new Preferred Alternative 6, no feasible design or mitigation measure has been identified that would reduce to less than significant levels the potentially significant adverse impacts on scenic resources, scenic vistas and the quality of scenic character. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce project impacts on scenic resources to less than significant levels. The potential for the project to adversely impact scenic resources is therefore considered to be significant and unavoidable.

**5b. AESTHETICS – Potential for the Project to Create a New Source of Substantial Light or Glare that would Adversely Impact Day or Nighttime Views in the Area.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-26 to 5.12-27, it has been determined that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views.

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

- *Mitigation Measure AES 5.12(c-2) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:*

*(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted;*

*(b) accent lighting shall be limited to residential accent lighting required for safety, and any up-lighting shall be prohibited;*

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

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

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

*(a) A written narrative to demonstrate lighting objectives,*

*(b) Photometric data,*

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

- (d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or
- (e) Landscaping information to describe potential screening.

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

**b. FINDINGS:**

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

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

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

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

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

**VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

As required by Public Resources Code §21081(b) and CEQA Guideline §15093, the County of Mono has balanced the benefits associated with the proposed project against the unavoidable adverse impacts that would result. The County has included all feasible mitigation measures and Specific Plan implementation measures within the *Tioga Community Housing/Tioga Inn*

*Specific Plan Amendment #3* project. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*, as proposed and including Alternative 6 as the new Preferred Alternative, is the most desirable and most feasible and most appropriate action at this time. The other alternatives (including the proposed project as shown in DSEIR Exhibit 3-3, *Tioga Workforce Housing Project Plan and Site Context Map*), while meritorious, are rejected as infeasible based on consideration of the relevant factors discussed in DSEIR §7 and in FSEIR Topical Response #3.

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

- HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption;
- BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant;
- PUBLIC SERVICES: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining;
- TRAFFIC: Deficient operation and excess delays associated with turning movements from eastbound SR120 onto northbound US 395 during peak season midday conditions (this significant impact would occur with or without the proposed housing project);
- AESTHETICS: Project impacts on scenic and visual resources and on light and glare

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

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

**THE PROJECT WILL PROVIDE NEEDED HOUSING:** Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by this tourism sector (62% of total County employment, well above average<sup>3</sup>). As noted in the 2009 study of tourism in Mono County,<sup>4</sup> many of the tourism-based jobs are seasonal and part time, and vary widely by season. Employment at the Tioga hotel and restaurant will be highest in the summer season, when visitor numbers are at a peak. Employment opportunities on the project site will be reduced during the winter and shoulder season, and it is anticipated that Tioga workers will seek employment in other sectors during the off season. Seasonal workers in Mono County on average hold 1.4 jobs, and of the 37 existing employees at the Tioga site, 30% are employed by the ski

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<sup>3</sup> The Bureau of Labor Statistics estimates total civilian employment in California at 19.5 million as of November 2019; travel and leisure represented an estimated 2.0 million (10.3%) of those jobs. BLS, *Economy at a Glance*: <https://www.bls.gov/eag/eag.ca.htm>.

<sup>4</sup> Mono County Department of Economic Development and Special Projects, *The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008*, January 2009. Prepared by Lauren Schlau Consulting.

industry during winter months. A cornerstone goal of the proposed housing project is to provide the flexibility for onsite workers to accommodate fluctuations in seasonal employment without the need for a seasonal change of housing.

Frequent changes in housing increase the isolation of working families, and reduce job security. Long commutes are a financial burden and diminish time with family. In contrast, the availability of stable housing is associated with positive impacts on individual and family health and well-being. The 2017 *Mono County Housing Needs Assessment*<sup>5</sup> identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The *Assessment* found that 50-100 units would be required to address current needs, and an additional 70 new units would be required to accommodate new housing demand from anticipated employment growth. Fully 44% of Mono Basin residents responding to the *Assessment* survey reported that friends or family lived with them due to a lack of housing. The project will therefore respond not only to the housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but could also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

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

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

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

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

The 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment. In addition to the availability of housing, the proximity of housing to employment has been identified as a crucial component of economic competitiveness.<sup>6</sup> Impacts of this mismatch include high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining. The project

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<sup>5</sup> Mono County, *Housing Needs Assessment*, prepared by BBC Economics: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/5732/mono\\_county\\_housing\\_needs\\_assessment\\_bos\\_f.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf)

<sup>6</sup> Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness Through Partnership*. September 2000 [https://www.jchs.harvard.edu/sites/default/files/mpill\\_woo-8.pdf](https://www.jchs.harvard.edu/sites/default/files/mpill_woo-8.pdf)

applicant is seeking to create housing opportunities on the project site as an essential step to secure the economic success of existing and future developments on the Tioga site and the region as a whole.

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

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

**THE PROJECT WILL SUPPORT CONSERVATION:** Multiple design and technological components have been integrated into the project design to promote long-term conservation. These include a subsurface irrigation system that will utilize treated wastewater from the package plant to meet half of onsite irrigation demand during the summer season, supporting the growth of newly planted native species and substantially reducing use of groundwater supplies. Electric vehicle charging stations will be provided in the housing complex for use by the housing residents to reduce use of fossil fuels. Solar panels will be provided on all project rooftops facing southward to meet a substantial portion of project energy demands. A new onsite bus stop will be provided for ESTA to reduce personal automobile use by residents and by future hotel guests. Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category with fully 70% of the entire Tioga site designated for open space. Protection of area wildlife will be strengthened by new restrictions on unleashed pets and a new protected corridor along US 395.

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

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

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

## IX. CONCLUSIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Mono County Board of Supervisors finds that the unavoidable adverse environmental impacts associated with the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable impacts may result from implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, the Board of Supervisors finds that the project benefits and overriding considerations outweigh the adverse effects of the Project. Having included all feasible



mitigation measures as policies and actions in the project, and having recognized and acknowledged all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*.

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

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project that would mitigate or substantially lessen the impacts; and
3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

## Exhibit B to Board of Supervisors Resolution R20-\_\_

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

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

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

- [DSEIR & FSEIR consolidated](#): Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single “redline” version to facilitate final review.
- [DSEIR & FSEIR Appendices](#)
- [DSEIR & FSEIR Exhibit 3.3](#)
- [DSEIR & FSEIR Exhibit 4.1](#)
- [DSEIR & FSEIR Exhibit 5.1-2](#)
- [DSEIR & FSEIR Exhibit 5.2-1](#)
- [DSEIR & FSEIR Exhibit 5.3-6](#)
- [DSEIR & FSEIR Exhibit 5.5-5](#)
- [DSEIR & FSEIR Exhibit 5.12-10](#)
- [DSEIR & FSEIR Exhibit 5.12-11](#)
- [DSEIR & FSEIR Exhibit 7.1](#)
- [Response to Supervisor Stump’s Inquiry](#)
- [1 FSEIR, sections 1-5](#)
- [2 FSEIR, sections 6-8](#)
- [3 Appendix A](#)
- [4 Appendix B, 1 of 3](#)
- [4 Appendix B, 2 of 3](#)
- [4 Appendix B, 3 of 3](#)
- [5 Appendix C](#)
- [6 Appendix D](#)
- [7 Appendix E](#)
- [Tioga Inn Specific Plan Amendment #3](#)
- [Complete Specific Plan & DSEIR document](#)
- [DSEIR Table of Contents](#)
- [DSEIR Chapters ONLY](#)
- [DSEIR Appendices ONLY](#)
- [Exhibit 3-3. Project Site Plan](#)
- [Exhibit 4-1. Site Context Map](#)
- [Exhibit 5.1-2. Conceptual Grading Plan](#)
- [Exhibit 5.2-1. Conceptual Drainage Plan](#)
- [Exhibit 5.3-6. Open Space Plan](#)
- [Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3](#)

# Mono County Community Development

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PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: June 10, 2020  
To: The Sheet  
From: Michael Draper, Mono County Community Development  
Re: Legal Notice for the **June 13** issues  
Billing: Melissa Bell, PO Box 347, Mammoth Lakes, CA 93546

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing on **June 29, 2020**, at the Lee Vining High School Gymnasium, 51710 US Highway 395, Lee Vining, CA., 93541, with remote videoconferencing at <https://zoom.us/join> (meeting ID: 984-7833-3904), or teleconference at (669) 900-6833 and enter Webinar ID 984-7833-3904, to consider the following: **9:05 a.m. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. A Subsequent Environmental Impact Report is proposed for the project. On April 16, 2020, the Mono County Planning Commission approved Resolution 20-01, recommending approval of the project to the Board of Supervisors with modifications including prohibition of accent uplighting, the addition of a phasing plan, the addition of a shuttle service between the project site and town, signage to not feed wildlife, and addition of a survey for active fox dens. Project documents are available at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. **SPACE WILL BE LIMITED AT THE PHYSICAL MEETING LOCATION.** Reservations to attend in person must be made in advance of the meeting. A sign-up to reserve a physical seat at the meeting will be made available at a later date online at: <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>. INTERESTED PERSONS may provide comments to the Board of Supervisors to present testimony by emailing [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) or, prior to or at the hearing, file written correspondence with: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Comments must be received by 8 a.m. on Friday, June 26 in order to be sent to the Board before the hearing.** If you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

###

# Mono County Community Development Department

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
[commdev@mono.ca.gov](mailto:commdev@mono.ca.gov)

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

June 19, 2020

**TO: Mono Basin Community and Interested Persons**

FROM: Wendy Sugimura, Director

**RE: PHYSICAL MEETING LOCATION CHANGE FOR TIOGA INN SPECIFIC PLAN PUBLIC HEARING**

At the request of the community, Mono County has made a good-faith and exhaustive effort to schedule a hybrid Board of Supervisor's meeting for the Tioga Inn Specific Plan Amendment public hearing that would have a physical location in Lee Vining and provide for participation by webinar in these COVID-19 times. Unfortunately, none of the available facilities in Lee Vining, including both the high school gymnasium and Lee Vining Community Center, have the necessary technological infrastructure to support the complex nature of a hybrid meeting. We know the community will be disappointed and we share that disappointment as well.

Mono County continues, however, to be dedicated to providing an opportunity for personal testimony at a physical location. To that end, please note the following physical meeting location change:

### **Public Hearing:**

**Tioga Inn Specific Plan Amendment #3 and Final Subsequent Environmental Impact Report  
Special Meeting of the Board of Supervisors  
June 29, 2020 at 9:05 a.m.**

**Physical Meeting Location: Board Chambers, 437 Old Mammoth Road, Suite Z, Mammoth Lakes**

**Webinar Information: <https://zoom.us/join> and enter Meeting ID: 984-7833-3904**

**Teleconference Information: (669) 900-6833 and enter Webinar ID 984-7833-3904**

Suite Z in Minaret Mall in Mammoth Lakes, the new physical meeting location, can accommodate approximately 20 public persons at a time with six-foot physical distancing. In order to ensure everyone desiring to comment in person has an opportunity, pre-registration will be required and commenters will be assigned a time slot in groups of up to ~20 persons. Commenters should come to Suite Z up to 15 minutes before their assigned time to check in and be seated, and then the room will be vacated after testimony has been provided. Between each set of in-person commenters, webinar comments will be taken while Suite Z is disinfected according to COVID-19 standards for the next set of public participants. Enough time slots will be provided to ensure all persons wishing to comment in person can do so.

The sign-up sheet for public comments will be on a first-come, first-served basis, and notice will be given at least 24 hours in advance of the sign-up sheet going live. The notice will be sent to the email distribution lists for the Regional Planning Advisory Committees (RPACs), Planning Commission, and Board of Supervisors. To subscribe to these email lists, please visit <https://monocounty.ca.gov/stay-connected>.

For those testifying in person, please consider how you will listen to the meeting while traveling to/from your time slot to provide comments. **The only certain way to hear the entire meeting is to participate by webinar.**

Here are a few more details:

- Masks will be required along with hand sanitizing (available at Suite Z).
- A COVID-19 self-screening agreement for illness, exposure and symptoms must be filled out at check in and passed to enter the meeting.
- Public testimony will be limited to two minutes.
- Repeat commenters will not be permitted, i.e., no commenting a second time, no in-person comment and written comment.
- No public will be present for Board deliberation; a fair and equitable manner to determine who would be the lucky few in attendance could not be determined.
- A one-hour break will be scheduled between the close of public comment and the beginning of Board deliberation to ensure members of the public can return to a location where they can watch the proceedings.

A huge thank you goes out to Heidi Torix and the Eastern Sierra Unified School District for being willing to offer Lee Vining High School, and to County staff Nate Greenberg and Andy Liu for efforts to problem-solve the technology to hold the meeting.

An apology goes out to the community that the original vision of a hybrid meeting in Lee Vining is not possible. Mono County sincerely wishes we could make it happen, but many times we have to work with constraints that are not under our control. We have done our best to meet the needs of commenting in person to the Board of Supervisors under COVID-19 circumstances, and all legal requirements for a public meeting are being met and exceeded. We appreciate the community's understanding.

For questions or concerns, please contact Wendy Sugimura at (760) 924-1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov).

# Mono County Community Development

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Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: June 22, 2020  
To: The Mammoth Times  
From: Michael Draper, Mono County Community Development  
Re: Legal Notice for the **June 26** issue  
Billing: Melissa Bell, PO Box 347, Mammoth Lakes, CA 93546

## NOTICE OF PUBLIC HEARING LOCATION CHANGE

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing on **June 29, 2020**, at **Suite Z, 437 Old Mammoth Road, Mammoth Lakes, CA 93546** (pre-registration required), with remote videoconferencing at <https://zoom.us/join> (meeting ID: 984-7833-3904), or teleconference at (669) 900-6833 and enter Webinar ID 984-7833-3904, to consider the following: **9:05 a.m. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. A Subsequent Environmental Impact Report is proposed for the project. On April 16, 2020, the Mono County Planning Commission approved Resolution 20-01 recommending approval of the project to the Board of Supervisors with modifications including prohibition of accent uplighting, the addition of a phasing plan, the addition of a shuttle service between the project site and town, signage to not feed wildlife, and addition of a survey for active fox dens. Project documents are available at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. **SPACE WILL BE LIMITED AT THE PHYSICAL MEETING LOCATION.** Reservations to attend in person must be made in advance by 3 p.m. on June 26 at: <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Written comments must be received by 9:05 a.m. on June 29 to be included in the record.** Written comments will not be read into the record but will be transmitted to the decision makers prior to deliberation. If you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in testimony delivered to the Community Development Department at, or prior to, the public hearing.

###

# Mono County Community Development

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
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PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

Date: June 22, 2020  
To: The Sheet  
From: Michael Draper, Mono County Community Development  
Re: Legal Notice for the **June 27** issue  
Billing: Melissa Bell, PO Box 347, Mammoth Lakes, CA 93546

## NOTICE OF PUBLIC HEARING LOCATION CHANGE

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing on **June 29, 2020**, at **Suite Z, 437 Old Mammoth Road, Mammoth Lakes, CA 93546** (pre-registration required), with remote videoconferencing at <https://zoom.us/join> (meeting ID: 984-7833-3904), or teleconference at (669) 900-6833 and enter Webinar ID 984-7833-3904, to consider the following: **9:05 a.m. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** to amend the 1993 Tioga Inn Specific Plan located at 22, 133, and 254 Vista Point Road and consisting of four parcels (APN 021-080-014, -025, -026 & -027). The entitlements approved in 1993 remain intact and approved regardless of the outcome of the currently proposed project. The current Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. A Subsequent Environmental Impact Report is proposed for the project. On April 16, 2020, the Mono County Planning Commission approved Resolution 20-01 recommending approval of the project to the Board of Supervisors with modifications including prohibition of accent uplighting, the addition of a phasing plan, the addition of a shuttle service between the project site and town, signage to not feed wildlife, and addition of a survey for active fox dens. Project documents are available at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. **SPACE WILL BE LIMITED AT THE PHYSICAL MEETING LOCATION.** Reservations to attend in person must be made in advance by 3 p.m. on June 26 at: <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov) or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Written comments must be received by 9:05 a.m. on June 29 to be included in the record.** Written comments will not be read into the record but will be transmitted to the decision makers prior to deliberation. If you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in testimony delivered to the Community Development Department at, or prior to, the public hearing.

###

# Mono County Community Development Department Planning Division

PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
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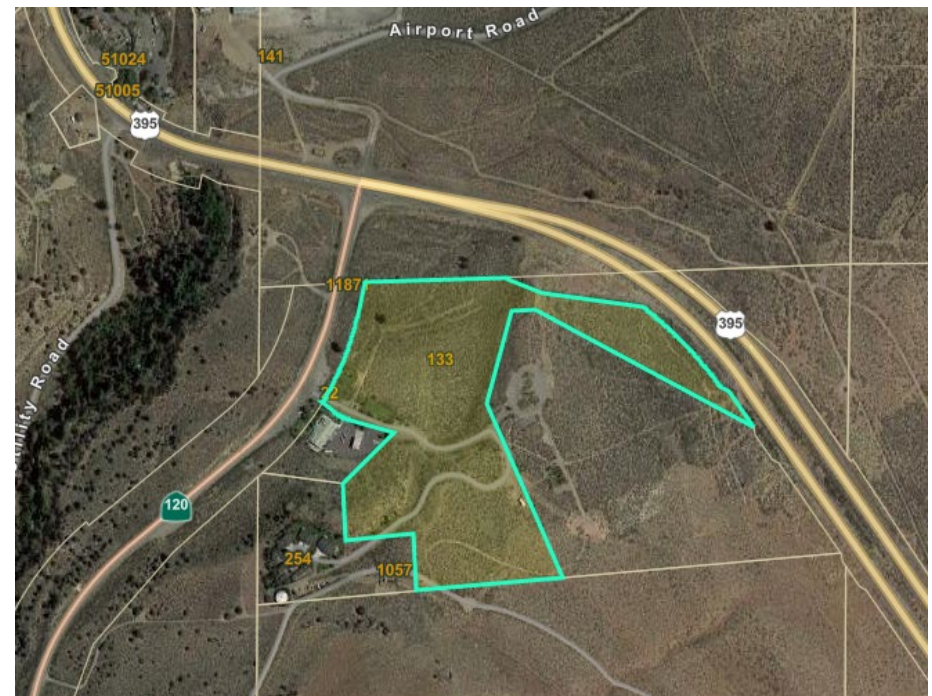
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INTERESTED PERSONS may appear before the Board of Supervisors to present testimony or, prior to or at the hearing, file written correspondence with: Mono County Community Development Department, PO Box 347, Mammoth Lakes, CA 93546. Comments may also be emailed to [cddcomments@mono.ca.gov](mailto:cddcomments@mono.ca.gov). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department at,

or prior to, the public hearing. For additional questions, please contact the Mono County Planning Division:  
Michael Draper, PO Box 347, Mammoth Lakes, CA 93546  
(760) 924-1805, [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov).

## Project Location



Project location: 133 Vista Point Drive



April 20, 2020

Mono County Board of Supervisors  
c/o Clerk of the Board  
PO Box 715  
Bridgeport, CA 3517



**RE: Tioga Inn Specific Plan Amendment – SUPPORT**

Dear Mono County Supervisors:

On behalf of Mammoth Community Water District (MCWD), I am submitting this letter to voice the Board of Directors' support for the Tioga Inn Specific Plan (Plan) Amendment. Presently the Town of Mammoth Lakes and the Eastern Sierra are experiencing a tremendous shortfall of workforce housing, with projections pointing to an increase in demand over the coming years.

Maintaining a strong workforce with the limited number of rental housing units in the Town of Mammoth Lakes and associated costs of those units has been challenging for public employers and the business community alike. With these constraints in mind, looking to the neighboring communities of Bishop, Crowley Lake, June Lake, Lee Vining, and Bridgeport for additional workforce housing opportunities will be key to supporting a vibrant Eastside economy in the future.

MCWD employs over 40 year-round staff and has been proactive in addressing the limited workforce housing in Mammoth Lakes and the Eastern Sierra. Due to the lack of available housing in our community, the MCWD Board of Directors created and has cultivated an Employee Housing Assistance Program (EHAP). The MCWD EHAP has several rental housing units in both Mammoth Lakes and Crowley Lake and also assists eligible employees with the purchase of a home or condominium anywhere in Mono or Inyo Counties.

As community leaders, one of the most important actions we can take to address this housing crisis is to encourage and support additional workforce housing projects.

Thank you for the opportunity to comment on the Tioga Inn Specific Plan Amendment (Plan). I am available to answer any questions that you may have concerning MCWD's position on the Plan. I may be reached at (760) 924-1562, or [tsmith@mcwd.dst.ca.us](mailto:tsmith@mcwd.dst.ca.us)

Sincerely,

A handwritten signature in blue ink, appearing to read "T.R. Smith".

Thomas R. Smith  
Board President  
Mammoth Community Water District

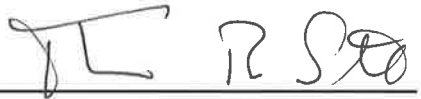
The District is a public utility. These exemptions apply because the project is primarily replacement, focusing on repair and maintenance. The rehabilitated tank will prolong the usefulness of the Clearwell Tank.

Staff recommends that the Board of Directors approve the Notice of Exemption for the Clearwell Water Tank Rehabilitation Project and direct staff to file the attached Notice of Exemption with the CA Office of Planning and Research and the Mono County Clerk-Recorder's office.

**APPROVED**

**BOARD OF DIRECTORS**

Date: April 17, 2020

By: President   
Tom Smith, Board President

**From:** [Wendy Sugimura](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Tioga Inn project  
**Date:** Monday, June 15, 2020 8:31:08 PM

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**From:** Alec Clowes <aclowes@gmail.com>  
**Sent:** Monday, June 15, 2020 5:39 PM  
**To:** Wendy Sugimura <wsugimura@mono.ca.gov>  
**Subject:** Tioga Inn project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing in support of the Tioga Inn project. I think a large but thoughtfully done project will strengthen our economy and better support visitors.

Thanks  
Alec

**From:** [Wendy Sugimura](#)  
**To:** [CDD Comments](#)  
**Subject:** Fwd: Tioga Inn Project  
**Date:** Friday, June 19, 2020 9:14:02 PM

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**From:** Don Condon <condon.don@gmail.com>  
**Sent:** Friday, June 19, 2020 7:12:42 PM  
**To:** Wendy Sugimura <wsugimura@mono.ca.gov>  
**Subject:** Tioga Inn Project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For submission to the Board of Supervisors.

Dear Honorable Board of Supervisors,

We would like to offer these comments on the Tioga Inn Project. Electrification of our transportation system is an inevitable necessity going forward in order to reduce our carbon emissions. All major auto manufacturers are preparing to produce electric vehicles at a saturation point in the auto market. To that end it makes no sense to expand a gas station island at this site. Lee Vining is an ideal site for a quick charge station and given that California has a goal of 5 million EV's in California by 2030 it would make more sense to consider electric car charging stations in the Tioga Inn site rather than a new gas dispensing island. So please consider the addition of electric vehicle chargers in lieu of gas. The project sponsor could solicit proposals from organizations that provide such services at no cost.

Sincerely,

Don Condon

President Eastern Sierra Electric Vehicle Association

Don Condon  
[condon.don@gmail.com](mailto:condon.don@gmail.com)  
510 467-2197

**From:** [Wendy Sugimura](#)  
**To:** [CDD Comments](#)  
**Subject:** FW: Opposed to Tioga Inn Project  
**Date:** Monday, June 22, 2020 8:09:34 AM

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**From:** scot martin <[smartinized@gmail.com](mailto:smartinized@gmail.com)>  
**Sent:** Sunday, June 21, 2020 6:56 PM  
**To:** Wendy Sugimura <[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)>  
**Subject:** Opposed to Tioga Inn Project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Please accept this correspondence as my opposition to the proposed Tioga Inn Project. I have been visiting the Mono Lake area for almost 60 years, almost annually, and worked for the USFS Mono Lake Visitors Center as a seasonal volunteer in 1999. In 1982 I pedaled a bicycle from San Diego to Yosemite and camped on a dirt road at the location of this proposed project the night before I rode over Tioga Pass and into Yosemite National Park. There was no Mobil gas station at the time, just a pristine Pinyon pine/juniper hill with stunning views in all directions. That pristine view was forever altered when the gas station was developed. Shameful at best. Please do not add to that disastrous decision by compounding the damage with this proposed project. I believe there is a better way that does not involve adding to the bad decisions that were made in the past. Look at the character of Lee Vining, the Mobil station does not add to that in any way. This is a poorly designed project that has no place in Mono County.

Respectfully,

Scot Martin

Pob 1549

Borrego Springs, CA 92004

7603318884

[smartinized@gmail.com](mailto:smartinized@gmail.com)

Good evening,

I just read about the Planning Commission's 4-0 vote on pressing forward with the Tioga Inn project. I cannot begin to describe out disappointed I am with that decision. I cannot think of single good reason that this project must be constructed in Lee Vining, especially when you have Mammoth just a short drive down the road.

One of the things I love about northern Mono is the solitude, as well as the crystal-clear dark skies at night. It's what draws me to Mono County. Since I discovered the many beautiful sites of Mono about 5 years ago I've found myself making dozens of trips there each year. But if this little project of yours goes in I'll take my dollars and head somewhere else. I'd rather know that a county and its "leaders" are serious about preserving its identity than chasing tax dollars just for the sake of saying you brought more money to the region.

Leave the north of the county alone and continue to build out Mammoth. I don't go to Mammoth - too crowded. It's looking like you want Lee Vining to be the Mammoth of the north. Like I said, if that happens . . . I'm gone. If the counties leaders are good with that then so be it.

I hope your peaceful Mono Lake becomes the big fish you envision it becoming. But as soooooo many committees and commissions and political personalities fail to observe, there will be unintended consequences. I don't know if those were addressed, or if the commission even knows what those are. Time will tell. I hope I'm still taking trips to Mono 5 years from now, but a 4-0 vote doesn't give me much confidence that Mono is in my future.

Matthew Rhodes

**From:** [ROL Group](#)  
**To:** [CDD Comments](#)  
**Subject:** CA ZNE Law Affects Tioga Inn Project  
**Date:** Monday, June 15, 2020 10:41:53 AM  
**Attachments:** [ROLG\\_350Mono Ltr to MCBOS on Tioga Inn--ZNE.pdf](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mono County Board of Supervisors,  
The attached letter explains how the Tioga Inn Project will be affected by the CA Building Code changes that went into effect 1/1/20. It is backed up with references. It also explains how this project could further reduce its carbon footprint. Thank you for taking the time to read it. We greatly appreciate it.  
Respectfully,  
Malcolm



Range of  
Light Group,  
Toiyabe  
Chapter



350  
Mono  
.org

June 15, 2020

Mono County Board of Supervisors  
Mono County  
PO Box 715  
Bridgeport, California 93517  
[skendall@mono.ca.gov](mailto:skendall@mono.ca.gov)

RE: Comments on the Final Subsequent EIR for the Tioga Inn Project-Fossil Fuel Usage

Dear Honorable Members of the Mono County Board:

On behalf of the Sierra Club's Range of Light Group Executive Committee and 350Mono.org we'd like to comment on the Tioga Inn Project and the Final Subsequent Environmental Impact Report (FSEIR). Across both groups we represent over 400 members in Inyo and Mono Counties concerned about climate change. Our members work to help reduce our country's dependence upon fossil fuels to mitigate the effects of climate change before the impacts overwhelm us.

While Lee Vining could use more housing, we think the Tioga Inn Project could and should be greener to lower its carbon footprint. Although this project incorporates many energy saving features, most of those described in the plan are now required by code. More can be done to avoid relying on fossil fuels. It is the burning of fossil fuels that release greenhouse gases into the atmosphere that heat the planet.

### **Carbon Footprint**

Scientists tells us that we have 10 years to get our greenhouse gas levels under control, under 350 parts per million or under 2 degrees Celsius to avoid serious consequences to our climate. The GHGs are now over 415 ppm and the annual global temperature is at 1 degree Celsius hotter than pre-industrial levels. The world has to reduce its dependence on fossil fuels and soon. California's SB100 law sets a goal of reaching 100% renewable energy by 2045 to reduce the impacts of climate change. Mono County also has a voluntary goal to reduce its GHG levels of 2005 by 10% this year in support of the state's goals<sup>1</sup>. Objective 1.B in the County's General Plan is: *Plan for the management of greenhouse gas (GHG) emissions, and for mitigating and adapting to climate change.*

In a few decades or less, climate change will have devastating impacts for Mono County. Climate change stands to eliminate the snowpack and glaciers that our skiing, fishing, and agricultural industries are dependent upon. We will see more wildfires and droughts that will impact every aspect of our lives. It is critical that the county do all it can to prevent this devastating future.

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<sup>1</sup> Mono County Resource Efficiency Plan Final 8/1/2014





Range of  
Light Group,  
Toiyabe  
Chapter



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Mono  
.org

### **Fossil Fuel Infrastructure**

The Tioga Inn Project plan includes installing another gas station island with two pumps and apartments with propane interior heating and probably propane hot water heaters, dryers, and stoves furthering the use of fossil fuels and increasing GHGs. Propane and gasoline are fossil fuels.

### **Vehicle Miles Traveled**

In addition to the energy usage of the housing, the project contributes significantly to GHGs in vehicle miles traveled. Until the hotel is built which could be years or decades away, this project will provide employee housing for people working in Mammoth. Their commutes will only increase vehicle miles travelled, GHGs and add to the climate change problem. In 2008, California passed the Sustainable Communities and Climate Protection Act (SB357). One of the objectives of this bill is to reduce commuter vehicle miles. This bill has been implemented in urban areas only. But, rural areas like ours could embrace the intent of this law. While Mono County isn't required to place housing close to jobs, it strives to. Objective 1.B in the County General Plan states: *Policy 1.B.1. Reduce vehicle miles traveled through efficient land use patterns.* The County's Housing Plan Program 1:16 says: *Support a balance of jobs and housing in Mono County communities and the associated reduction in resident commute times by facilitating community job growth through economic development programs.* If the hotel is not developed, then the proposed housing in this project is not in balance with the needs of the community. Some additional housing is needed in Lee Vining, but the bigger need is in Mammoth Lakes.

This project could be a showcase project using only renewable energy and using the best technologies to reduce its carbon footprint. Its location attracts many visitors who would appreciate such a project and would feel good patronizing businesses tied a project that has a low carbon footprint. A green project would be a good selling point for the proponent, the town of Lee Vining, and Mono County.

### **A Greener Project**

Starting in 2007 California set a goal for all new residential construction to be Zero Net Energy (ZNE) by 2020 in the California Strategic Plan. In 2019 the California Public Utilities Commission upgraded the building code to incorporate elements that would help the state meet those goals. Starting January 1 of this year, all new residential housing developments need to meet a minimum standard of energy efficiency per the 2019 Energy Efficiency Building Code (Title 24 Section 6).<sup>2</sup>

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<sup>2</sup> **Fact Sheet: What's New in 2019 Residential Energy Code**

[https://energycodeace.com/download/35132/file\\_path/fieldList/Res-WhatsNew2019%20FS-030220v2.pdf](https://energycodeace.com/download/35132/file_path/fieldList/Res-WhatsNew2019%20FS-030220v2.pdf)

**Application Guide: Residential Envelope, Solar Ready and PV 2019**

[https://energycodeace.com/download/36023/file\\_path/fieldList/AppGuide.Res.Envelope.SolarReady.PV.2019](https://energycodeace.com/download/36023/file_path/fieldList/AppGuide.Res.Envelope.SolarReady.PV.2019)



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While the 2019 building code doesn't require new buildings to be Zero Net Energy, it does require energy offsets with solar panels or solar panels + energy efficiencies that go beyond the basic building code to bring it closer to zero. This project falls under the Energy Efficiency Standards for Low-Rise Residential Buildings requiring offsets. The proponent is required to provide a certificate of compliance when he applies for a building permit that shows the project meets the minimum standard. Offsets can be achieved in two ways: 1) prescriptive—a set formula for how many solar panels are required based on square footage of the project or 2) performance—calculated by software when trade-offs are used in combination with solar panels to lower the energy usage score. The updated building code alone will do a lot to make this development energy efficient. It will require adequate insulation for this climate zone. It will require energy efficient HVAC and appliances, energy efficient lighting, water saving toilets, and low-flow showerheads. It will also require a minimum amount of solar. However, there are some energy-offset options that can lower the overall energy usage even more e.g. more solar panels, heat pumps for hot water heater, interior heating, and air conditioning, smart controls, etc. The plan for the Tioga Inn Project calls for installing solar panels, which is great. What isn't clear is how much the solar is being proposed. Does it fall short of the minimum or does it go above and beyond the minimum required? Especially since the number of solar panels planned was reduced by the new orientation of the apartment buildings to reduce visibility.

### **Go All Electric**

What is optional or up to the developer is choosing to be all-electric or not. This project will use propane. Granted, natural gas is currently cheaper than electricity for renters nationwide, yet natural gas and solar prices are coming closer together all the time<sup>3</sup>. The Energy Institute of the University of Texas has calculated the cheapest form of energy for every county in the US. Natural gas combined cycle is the cheapest source of energy in Mono County and most of the West. Solar is second. The margin between the two is about \$0.02/kWh.<sup>4</sup> If pollution (emission externalities) is taken into consideration, then solar outweighs natural gas.<sup>5</sup> However, we use propane in the Eastern Sierra, not natural gas. Propane is unregulated. Locally, our Amerigas prices are higher than the nationwide average for natural gas and fluctuate constantly, making it very expensive to heat with propane here. With good insulation, few exterior walls per apartment, and heat pumps, an all-electric apartment would be cheaper and safer<sup>6</sup> for renters than propane.

If the housing were all-electric, a heat pump could lower the cost of electric heating, air conditioning, and hot water heaters significantly. Heat pumps with solar would make the electric

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<sup>3</sup> Across the nation, the price of renewable energy is now undercutting the price of natural gas: <https://guidehouseinsights.com/news-and-views/renewable-energy-continues-to-be-cheaper-than-natural-gas-and-coal>. By the time this project is built, natural gas and solar will be very close:

[https://en.wikipedia.org/wiki/Cost\\_of\\_electricity\\_by\\_source#Levelized\\_Cost\\_of\\_Energy](https://en.wikipedia.org/wiki/Cost_of_electricity_by_source#Levelized_Cost_of_Energy)

<sup>4</sup> see figure 15 on page 24: <https://news.utexas.edu/2016/12/08/natural-gas-and-wind-are-the-lowest-cost-for-much-of-u-s/>

<sup>5</sup> [http://calculators.energy.utexas.edu/lcoe\\_map/#/county/tech](http://calculators.energy.utexas.edu/lcoe_map/#/county/tech)

<sup>6</sup> <https://coeh.ph.ucla.edu/effects-residential-gas-appliances-indoor-and-outdoor-air-quality-and-public-health-california>



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bills for the tenants cheaper than propane. Plus, SCE's time-of-use electrical rates give the tenant some control over their usage. One way for tenants to monitor their usage is with a smart meter (\$300) at the control panel. It can tell tenants how much energy each device uses. Another way to cut electrical usage is to have smart controls that automatically shut off appliances when not in use. An all-electric home is cheaper for the developer to build. Those cost savings could be passed on to the tenants through a lower rent. If each new building continues to use propane or natural gas, we have no chance of reaching 100% renewable energy. That is why there are goals for new developments to be zero net energy.

The software for determining energy efficiency trade offs would help determine if a housing development should be all-electric or not. It is a hot topic of debate in California in light of the power shutdowns.<sup>7</sup> If microgrid islanding capabilities are built in to the project, the power shutdowns wouldn't be a problem. A cost-effectiveness analysis would help to determine what's better for this project. It would compare the cost to offset the energy usage vs. the benefits in reduced electricity over the life of the building. This should be done for two alternatives: if the units were all-electric units and if the units have mixed-fuel sources. This is too large a project to skip this step and to assume the cheapest option to develop and for the tenants is mixed-fuel.

Whether or not the apartments are all-electric or not, electricity will be used to pump water uphill to the storage tank that will supply the domestic water. This is a significant expense that will probably be passed on to the tenants through rent in lieu of a water bill. How domestic water is supplied is probably not part of the ZNE calculations and therefore won't be required to be off set. Nor will the electricity used to run the wastewater treatment plant. However, both could be offset with solar panels. The rate plans for solar panels involve demand charges. A demand charge is tacked on to the bill when more electricity is used than the plan allows. Demand charges can be quite high, but they can be avoided too. A battery system could be used during peak hours or smart controls could be used to fill the tank during off-peak hours.

Normally, an EIR doesn't need to document design details. However, with the new ZNE building code changes, the proponent has to get a certificate of compliance when applying for a building permit. This certificate proves the design will pass. But what if it doesn't pass and the design has to change and the changes impact the visual aspects of the project? Even if propane is used in this project, there will still be electricity to be offset: interior lighting, exterior lighting, electrical devices i.e. computers, TVs, music systems, sprinkler systems, etc. What if more solar panels are needed? Where will they go? The proponent has stated that the amount of solar panels planned will not offset the electricity usage even with propane heating. There are alternatives for this. Solar carports could be added. Solar panels could also be placed on the ground. The project could

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<sup>7</sup> [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf)



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also take advantage of SCE's new community solar program where each participating tenant gets a fixed rate and the proponent gets carbon credit offsets. A third party solar company could finance the solar panels and even a backup battery system through a Power Purchase Agreement (PPA). The proponent could subsidize the electric bills for the tenant with developer fees so the project could use SCE's renewable energy rate that adds \$0.03 more to the kWh rate.

### **It Can be Done**

In 2011 the City of Lancaster set a goal to be the first ZNE city in California and then created a ZNE 75-unit single-family affordable housing subdivision with an islanding microgrid. This is how they did it: <https://ww2.energy.ca.gov/2018publications/CEC-500-2018-032/CEC-500-2018-032.pdf>. They didn't have experience with this so they formed a team and had help from non-profits, consultants, community experts, and others. Now there are many ZNE projects underway: <https://www.cnn.com/2019/02/14/homes-that-produce-their-own-energy-might-be-the-future-and-california-is-inching-closer.html>. It can be done.

### **Electric Vehicles are Coming**

To reduce our dependence on fossil fuels, the additional gas station pump should not be approved. The world is transitioning to electric vehicles. Some EV models are very affordable and the maintenance costs are far lower than gas-powered vehicles. The electricity to power them is cheaper than gasoline. As more charging stations are installed, range anxiety will go down and more people will buy EVs. The state has a goal to reach 5 million EVs on the road by 2030. Southern California is becoming a hub of EV manufacturing. In 2019 Electrify America installed fast charging stations in Bridgeport and Bishop with one in Coso Junction coming online this year. Caltrans is installing fast charging stations at each rest stop in Inyo County this year. There's a fast charging station in Groveland and Yosemite NP has mid-level chargers. These charging stations will allow all types of electric vehicles to make it to Lee Vining; not just Teslas. Lee Vining will soon start seeing many more EV travelers.

The Whoa Nelli Deli would be an ideal place for a quick charger. And yes, they are expensive but installing gas pumps aren't cheap either. The proponent doesn't have to finance and install one himself, but if he were to, SCE's Charge Ready program brings the power to the site for free. He could also lease space to Electrify America who could install a DC quick charger. At the very least, there should be a few level 2 chargers that would be available to the general public as part of this project. People can charge their car while they eat and listen to music. This is in line with Mono County's General Plan 4.D.5: *Encourage new commercial-and visitor-serving projects to include electric vehicle charging stations in parking areas.*

Effective Jan 1, 2020 all multi-residential buildings are required to have 10% of the parking spaces "EV Capable"<sup>8</sup>. The SEIR states there will be 200 parking spaces for the housing. That means 20 spaces need to be wired for level-2 car chargers with 6 (or 30%) assigned to Phase 1; not just the 2

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<sup>8</sup> 2019 California Green Building Standards Code, Title 24 Part 11 4.106.4.2



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mentioned in the EIR. The significant cost is the trenching and wiring, which is much cheaper to install during construction than afterwards. While the proponent is voluntarily installing 2 chargers, we recommend putting in more chargers at the start since he is required to have the wiring there anyway.

With the new step in the code requiring a certificate of certification showing the development project will pass the minimum energy efficiency standard, the developer might need to rework the plans if it doesn't pass. It is possible those plan changes could impact design features that the approval was based on. As a precaution, we are asking that if the EIR is approved, approval is contingent upon passing the Title 24 Section 6 compliance without changes to the plan, or that any changes to the plan would trigger a public review of the FSEIR—for all phases of the project. We ask that the FSEIR estimate how many solar panels would be needed to offset the energy usage, how many solar panels are planned, and where they would go. To take this project to an even higher level of green technology, we recommend this housing be all-electric with an islanding microgrid using thermal heat pump technology. We also ask there be EV car chargers for the public instead of a third gas station island. It is in line with Mono County's goal CO.2 to *reduce energy use in new construction and major renovations and to add 40 new residential buildings built to above Title 24 standards compared to 2005 baseline.*<sup>9</sup>

This project stands at the gateway to Yosemite National Park and overlooks the Mono Basin Scenic Area. It is a special place and should be a showcase project of green technology and aesthetics. This is the 21<sup>st</sup> Century. We have to move forward; not backward. As part of your approval, please include requirements that will make the project greener.

Sincerely,

Malcolm Clark, Vice Chair  
Range of Light Group  
Toiyabe Chapter, Sierra Club

Janet Carle, Director  
350Mono.org

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<sup>9</sup> Mono County Resource Efficiency Plan Final 8/1/14



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**RESOLUTION R20-01**

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING  
ADOPTION OF TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND THE MITIGATION  
MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

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

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

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

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

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

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

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

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

1           **WHEREAS**, the FSEIR was released on February 29, 2020, and, in response to public comment  
2 and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative  
3 #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced  
4 visual and other impacts, and included other project changes; and

5           **WHEREAS**, none of the project changes require recirculation of the DSEIR under CEQA  
6 §15088.5(a); and

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

9           **WHEREAS**, on April 16, 2020, the Planning Commission held a duly noticed public hearing  
10 regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR; and

11           **NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY  
12 RESOLVE AS FOLLOWS:**

13           **SECTION ONE:** Having reviewed and considered the analysis in the staff report and testimony  
14 provided in the public hearing, the Planning Commission finds that the following modifications are hereby  
15 incorporated into the Tioga Inn Specific Plan Amendment #3 and FSEIR. The Tioga Inn Specific Plan  
16 Amendment #3 and the FSEIR are included as **Exhibit B** and incorporated herein by this reference:

- 17           A. With regard to the Outdoor Lighting Plan required by Mitigation Monitoring and Reporting Plan  
18 measure AES 5.12 (c-2), the following language shall be included: ... In addition to the above, the  
19 project shall include landscaping to shield offsite views of lighting and shall prohibit accent  
20 uplighting of architectural or landscape features and seasonal lighting displays...
- 21           B. NEW MITIGATION MEASURE 5.6(a-1) (Phasing): Construction of the Community Housing  
22 Units shall conform to the following phasing milestones:

Phase	Units	Schedule
1	30	The 30 units and child care facility in Phase I would be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process. Infrastructure for all three phases is to be completed in phase 1.
2	40	Construction of the 40 Phase 2 units would begin at the time that the hotel building permit application is deemed complete by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented). All Phase 3 units will be in the westernmost row of units.

- 1 C. NEW MITIGATION SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided  
2 between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an  
3 occupancy permit. The shuttle service will be staffed by qualified drivers, will be equipped with  
4 ADA-compliant features, and will follow established routes with regular minimum drop-off and  
5 pick-up times. The shuttle service will be available for use by hotel guests and residents of the  
6 Community Housing Complex.
- 7 D. NEW MITIGATION MEASURE BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the  
8 Wildlife” shall be posted on the road leading into the housing complex, at the entry to Vista Point  
9 Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and at the  
10 access road leading to the full-service restaurant.
- 11 E. AMENDED MITIGATION MEASURE BIO 5.3(a-4): Badger and Fox Survey: A pre-disturbance  
12 denning badger and denning fox survey shall be scheduled within three days prior to the start of  
13 vegetation and ground-disturbing project activities. The survey will be performed by a qualified  
14 biologist. The survey will include the entire area where disturbance will occur, as well as buffers of  
15 500 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to  
16 the construction foreperson within 24 hours of survey completion, in order to formulate avoidance  
17 measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered  
18 by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the  
19 unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found,  
20 ground-disturbing work at the project will be halted pending consultation with CDFW regarding  
21 buffering and avoidance.

22 **SECTION TWO:** Having reviewed and considered all information and evidence presented to it  
23 including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report  
24 (DSEIR and FSEIR, respectively), and staff reports and presentations, the Planning Commission finds that:

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

27 The proposed changes to the Tioga Inn Specific Plan which changes comprise the Tioga Inn Specific  
28 Plan Amendment #3 (Amendment) are consistent with General Plan policies directing the County  
29 to utilize the specific plan process for large-scale projects and of the Land Use Element to contain  
30 growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The  
project site is an existing specific plan approved for development and essentially adjacent to the  
existing town of Lee Vining. The amendment is also consistent with General Plan policies for  
amending Specific Plans (Chapter 36 and Chapter 48).

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

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



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

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

6 As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent  
7 with area plan polices. The site is essentially adjacent to Lee Vining and has long been identified for  
8 development, with commercial hotel and restaurant uses approved in 1993. The Amendment  
9 incorporates energy efficient designs such as solar panels, southern orientation, and a graywater  
10 irrigation system, and includes requirements stricter than the General Plan Dark Sky requirements  
11 (Chapter 23) to protect the night sky. Small-town character is preserved by providing housing for  
12 future employees of the approved commercial components so that the existing housing stock is not  
13 impacted and induced growth in the Lee Vining townsite is limited. Further, population estimates  
14 are well within General Plan build-out projections and on the upper end of anecdotally documented  
15 maximum population ranges, and does not exceed generally understood populations definitions of  
16 small towns (e.g., less than 10,000 people). The Amendment also enhances and supports the tourism-  
17 based economy and economic growth in general.

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

20 The project site contains existing and approved (but unconstructed) commercial uses and is large  
21 enough to provide a significant portion of needed infrastructure improvements, including roads  
22 meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite  
23 wastewater treatment plant, and water supply from wells, among other infrastructure. It is suitable  
24 for the proposed residential uses (LU Element, Objective A, Policy 1, Actions 1.2; and Housing  
25 Element Program 1.9), which will provide housing for the approved commercial uses and the  
26 construction of the residential units is tied to the commercial components in the Amendment. The  
27 site is appropriate for an expansion of the gas station and the propane tank, as well as the adjustment  
28 to the land use designations within the specific plan to accommodate the development proposal and  
29 mitigate biological impacts.

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

The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet  
existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior  
to this Amendment provided for 10 housing units for the approximately 187 employees estimated  
to be generated by the approved commercial uses. This Amendment provides up to 100 units, which  
will house significantly more employees on site and reduce impact to the community’s housing  
stock. The phasing plan in the Amendment ties the construction of housing units to the construction  
of the commercial uses and the demonstrated occupancy of units. Otherwise, housing units are  
limited to a maximum of 30 which helps fulfill the identified need of 120-170 units countywide.

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

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

5 **SECTION THREE:** The Planning Commission finds that the Tioga Community Housing Project  
6 Final Subsequent EIR (FSEIR) has been prepared for the Tioga Inn Specific Plan Amendment #3 in  
7 compliance with CEQA and that the FSEIR reflects the County's independent judgment and analysis. The  
8 Planning Commission further finds that the FSEIR has been presented to, and reviewed by, the Planning  
9 Commission and is adequate and complete for consideration by the Board of Supervisors in making a  
10 decision on the merits of the Tioga Inn Specific Plan Amendment #3, including making the findings  
11 substantially in the form set forth in **Exhibit A**.

12 **SECTION FOUR:** The Planning Commission recommends that the Board of Supervisors: 1)  
13 make the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set  
14 forth in **Exhibit A**; 2) certify the Final SEIR; 3) adopt the Mitigation Monitoring and Reporting Program  
15 as modified by Section One; and 4) approve Tioga Inn Specific Plan Amendment #3 as modified by Section  
16 One.

17 **PASSED AND ADOPTED** this 16<sup>th</sup> day of April, 2020, by the following vote of the Planning Commission:

18 AYES Scott Bush, Roberta Lagomarsini, ~~Chris L. Lizza~~, Dan Roberts, Patricia Robertson  
19 NOES :  
20 ABSENT :  
21 ABSTAIN :

22   
23 Scott Bush, Chair

24 ATTEST:

25 APPROVED AS TO FORM:

26 Melissa Bell  
27 

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28 CD Ritter (Melissa Bell for CD Ritter)  
29 Secretary of the Planning Commission

30 Christian Milovich  

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Christian Milovich  
Assistant County Counsel

## **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

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

#### **I. INTRODUCTION**

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

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

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

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

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

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

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

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

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

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

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

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

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## II. FSEIR BACKGROUND AND PROCESS

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

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

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

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

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

### III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

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

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

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

### IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

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

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

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.

(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

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

## V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

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

## VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

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

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.

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

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

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
  - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
  - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
  - *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
  - *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
  - *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*
2. **HYDROLOGY AND WATER QUALITY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*
- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.*
- *Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:*

<b>Low Impact Development Features of the Tioga Community Housing Project</b>	
<b>NATURAL DRAINAGE CONTROLS</b>	<i>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</i>
<b>RUNOFF COLLECTION AND TREATMENT</b>	<i>Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.</i>
<b>ONSITE FLOW RETENTION</b>	<i>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</i>
<b>INFILTRATION</b>	<i>Use of rock swales &amp; collection features to enhance filtration of pollutants.</i>
<b>RUNOFF SEPARATION</b>	<i>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</i>
<b>ROAD DESIGN</b>	<i>Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.</i>
<b>CLUSTER DESIGN</b>	<i>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</i>
<b>VEGETATION RETENTION</b>	<i>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</i>
<b>SCREENING</b>	<i>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of</i>



	constructed elements.
<b>WATER USE FOR LANDSCAPING</b>	The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.

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

<b>Spill and Leak Best Management Practices of the Tioga Community Housing Project</b>	
<b>SPILLS</b>	Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.
	Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.
	At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff
	Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.
<b>LEAK CONTROLS</b>	Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.
	Drip pans shall be placed under the spouts of liquid storage containers.
<b>TRAINING</b>	All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.
	Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.
<b>FUELING</b>	Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.
	Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.
	Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.
	Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.
	Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.
<b>WASTE TREATMENT PLANT</b>	WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.
<b>WASHING</b>	No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.
	If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.
	Detergents sold & used at the gas station shall be biodegradable and free of phosphates.

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
  - *Mitigation Measure HYDRO 5.2(b-2):(Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
  - *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*
  - *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
  - *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.*
  - *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*
  - *Mitigation Measure HYDRO 5.2(c-1) (Groundwater Level Monitoring): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter.*
- 3. BIOLOGICAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or have a substantial adverse effect on any riparian habitat or other sensitive natural plant community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; or have a substantial adverse effect on a state or federally protected wetlands; or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as discussed on DSEIR pages 5.3-17 through 5.3-26. Please see §VII for discussion of the significant adverse impacts associated with the project potential to interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.
- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery*

lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.

- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance):* The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey):* A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.
- *Mitigation Measure BIO 5.3(a-4) (Badger Survey):* A pre-disturbance denning badger survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 100 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active dens will be buffered by a minimum distance of 100 feet, until the biologist finds that den occupation has ended.
- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas):* The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
  - (a) *TOPSOILS:* During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
  - (b) *SCREENING:* Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
  - (c) *BITTERBRUSH:* Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.
  - (d) *SEED MIX ADJACENT TO ROADS:* The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.
  - (e) *WEED CONTROL:* Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed

control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.

(f) **MONITORING:** Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

- **Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting):** Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- **Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration):** All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.
- **Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395):** Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.
- **Mitigation Measure BIO 5.3(d-4) (Waste Receptacles):** All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.

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

- **Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources):** Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery

allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation<sup>2</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources):* All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.
- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains):* No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

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

5. **LAND USE AND RECREATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to physically divide an established community; or conflict with any applicable land use plan, policy, or regulation; or increase the use of park facilities such that substantial physical deterioration would occur; or impact the acreage or function of designated open space, as discussed on DSEIR pages 5.5-14 through 5.5-27.
- *Mitigation Measure LU 5.5(b-1) (HMO Compliance): A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to issuance of the first building permit. The determination shall include identification of the number of qualifying units (i.e. units with rents no higher than 120% of average median income (AMI)) that are exempt from the HMO requirements.*
  - *MITIGATION MEASURE LU 5.5(b-2) (ESTA/ESUSD Bus Stops): An ESUSD bus stop and turnaround area will be provided in the full-service restaurant parking lot with a path connecting to the Day Care Center. An ESTA bus stop and turnaround will be in the vicinity of the hotel access road. The ESTA and ESUSD bus stops, turnaround areas and access roads shall be maintained in a safe condition at all times, including snow removal during winter months.*
6. **PUBLIC HEALTH AND SAFETY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a hazard to the public or environment through routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within 1/4 mile of a school; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5; or create a safety hazard for people living or working in an area located in an airport land use plan or within 2 miles of a public airport or public use airport or private airstrip; or impair implementation of or physically interfere with an adopted emergency response or evacuation; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, or exacerbate wildfire risk or expose people or structures to significant risk of fire-related flooding; or expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, seiches or tsunamis, rockfall or volcanic activity, as discussed on DSEIR pages 5.7-14 through 5.7-25.
- *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
  - *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
  - *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290 & N§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30' from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*
  - *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*
7. **PUBLIC SERVICES, ENERGY AND UTILITIES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public

facilities, services and utilities); or result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13.

- *Mitigation Measure SVCS 5.8(a-1) (Pedestrian Safety).* A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant (just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/ cycling pathway. Construction of a pedestrian/ cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection.
- *Mitigation Measure SVCS 5.8(a-2) (Defibrillators).* At least two 'Automated External Defibrillator' units (also known as portable defibrillators) shall be maintained in good working condition at the housing area. At a minimum, one Automated External Defibrillator unit shall be provided at the day care center (at the north end of the housing complex), and a second unit at the southeastern-most housing structure. The onsite Community Housing Manager shall receive training in use of the portable device. The onsite housing manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through.

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

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

**VII. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT THAT ARE SIGNIFICANT, ADVERSE AND UNAVOIDABLE.** Project impacts have been determined to be potentially significant, and unavoidable, for the environmental factors discussed in this section.

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

- a. MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.

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

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

- Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.
- FINDING:** Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

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

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

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*
- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor). Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*

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



- i. **Facts and Reasoning that Support the Finding:** Implementation of Mitigation Measure BIO 5.3(a-5) (which requires eviction of tenants who do not comply with pet leash requirements, and who do not properly dispose of trash) and Mitigation BIO 5.3(d-3) (which requires a protected corridor along US 395) will reduce the direct project impacts on deer migration and on deer mortality to less than significant levels. However, these measures will not be sufficient to reduce to less than significant levels the cumulative project impacts on deer migration that are associated with regional transportation and development improvements. The cumulative impacts can be mitigated only through the creation of a dedicated deer passageway. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'). The project site and vicinity was not among the identified hotspot locations, and is thus not among the areas that will be considered for funding of a future wildlife passageway. Furthermore, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority hotspot location, due to difficult US 395 roadway geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.
- ii. **Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

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

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

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

- i. **Facts and Reasoning that Support the Finding:** Mitigation SVCS 5.8(a-1) requires that the project provide right-of-way for an ADA sidewalk within the project boundary, along the east side of SR 120, extending

between Vista Point Drive and US 395. Mitigation SVCS 5.8(a-1) will ensure that the project can provide an onsite trail segment that can in the future link to offsite trail segments providing a safe and continuous pathway between the project site and Lee Vining.

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

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

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

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

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was determined to be infeasible for several reasons, including SCE concerns regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors). A wide range of alternatives has been analyzed and it has been determined that none of the alternatives would reduce impacts to less than significant levels. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although the extent of foot travel would be lower than with the project as proposed. .

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

**4. TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to

deficient operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

- a. MITIGATION.** The DSEIR Traffic Impact Analysis identified two mitigation recommendations for the identified hazard, including Mitigation Measure TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or Mitigation Measure TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 305/SR 120 intersection. Either mitigation measure would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the mitigation measures described above have been found to be infeasible, and have been deleted from the FSEIR, as described below.
- b. FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:
- i. Facts and Reasoning that Support the Finding:** The Traffic Impact Analysis prepared for the *Tioga Community Housing Project/Specific Plan Amendment #3* FSEIR analyzed traffic and intersection conditions at the SR 120/US 395 junction for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that with one exception, all study area intersections are now and will continue to operate at an acceptable level of service (LOS D or better) during the peak hours.

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

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

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

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation

alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

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

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

**5a. AESTHETICS – Potential for the Project to have a Substantial Adverse Effect on a Scenic Vista or Scenic Resources, or to Substantially Degrade the Visual Character or Quality of Public Views of the Site and Surroundings.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-14 to 5.12-26, it has been determined that the proposed project will have a substantial adverse impact on scenic vistas and scenic resources in the project area, and that the project will degrade the visual character and quality of public views of the site and surrounding area.

- a. **MITIGATION:** In response to the DSEIR comment letters, the proposed design of the Community Housing Units was substantially modified to create a new preferred "Alternative 6." Alternative 6 incorporates multiple changes, based on comment letter suggestions, including changes in the form and number and orientation of housing structures, development of a detailed plan for revegetation of disturbed areas, new 3' high berms below each of the main residential parking lots, replacement of two-story elevations with 1-story elevations for the lower row of 6 residential structures, additional specifications for paint colors and roofing materials, additional grading to lower pad elevations in some locations, and a new phasing plan that places the most visible units in the final phase to be built only if and when occupancy of the Phase 1 and 2 units reaches 80%. At the same time, the maximum allowed size of the studio/1 bedroom and 2 bedroom units was increased to improve livability for future residents. In addition to the changes noted above, Mitigation Measure AES 5.12 has been incorporated to require that landscaping, building and design elements be selected and applied with the specific intent to minimize offsite views.

- *Mitigation Measure AES 5.12 (Screening Design Features): All landscaping, landscape irrigation, building materials and design elements used in development of the proposed project elements shall be selected and applied in a manner that screens or minimizes offsite views of project elements to the maximum feasible extent, consistent with other mitigation requirements outlined in this EIR.*

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

- i. **Facts and Reasoning that Support the Finding:** The Tioga Community Housing project site is located in or adjacent to four formally designated scenic resources/designations including US 395 (a designated State Scenic Highway), SR 120 (a designated County Scenic Highway that is eligible for designation as a State Scenic Highway), proximity to the Mono Basin National Forest Scenic Area (the site is located less than ½-mile from southwestern Scenic Area boundary), and the Mono County Scenic Combining District Overall. Based on the results of a Visual Impact Assessment (VIA) and schematic renderings prepared for the project DSEIR, the DSEIR identified project impacts on scenic resources as a significant and adverse impact.

Comment letters on the DSEIR requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent. Many of the commenters requested

modifications to entirely eliminate or significantly minimize project views from US 395 and South Tufa (and other locations).

Following close of the DSEIR review period, and in response to comments received, the project proposal was substantively modified. A new Alternative 6 is now proposed as the preferred project alternative. Alternative 6 substantively lessens project impacts on scenic resources and project visibility, compared to the Concept Plan as presented in the DSEIR. Important changes include a reduction in the number of housing structures from 15 to 11, added specifications for paint color and roofing materials, additional grading to lower pad elevations in some areas, a new phasing plan, new 3- high landscaped screening berms downgradient of the two main parking lots, relocation of the day care center to the north end of the complex, and a reduction in the number of housing complex 'rows' (i.e., rows of housing structures, and parking lot rows) from 6 to 4, facilitating a slight reduction in the overall housing complex footprint. At the same time, the maximum size of the studio, 1-bedroom and 2-bedroom units was increased to provide enhanced livability for future residents.

Line-of-sight analyses indicate that Alternative 6 essentially eliminates all project views from US 395: only 1' of roofline for the 1-story easternmost units will be visible from US 395 with the new Alternative 6 design. Project views from the South Tufa parking lot would be entirely eliminated with Alternative 6. Views of the lower six 1-story units would also be entirely screened from view at Navy Beach; however, all of the 5 two-story upper structures would remain visible from this vantage point, and from the water's edge at South Tufa Beach.

New preferred Alternative 6 incorporates all of the feasible design modifications that were suggested in the DSEIR comment letters as well as some additional design elements (such as the increased maximum area of the housing units). Additionally, a wide range of alternatives has been analyzed and it has been determined that none of the alternatives (with the exception of the No Project Alternative) would lessen impacts on scenic resources to less than significant levels.

- ii. **Finding:** For all of the reasons cited above, and notwithstanding the substantial improvements associated with new Preferred Alternative 6, no feasible design or mitigation measure has been identified that would reduce to less than significant levels the potentially significant adverse impacts on scenic resources, scenic vistas and the quality of scenic character. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce project impacts on scenic resources to less than significant levels. The potential for the project to adversely impact scenic resources is therefore considered to be significant and unavoidable.

**5b. AESTHETICS – Potential for the Project to Create a New Source of Substantial Light or Glare that would Adversely Impact Day or Nighttime Views in the Area.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-26 to 5.12-27, it has been determined that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views.

- a. **MITIGATION.** Mitigation Measure AES 5.12(c-2), shown below, has been incorporated as a project requirement with the intent to reduce impacts on light and glare associated with the project proposal.
  - *Mitigation Measure AES 5.12(c-2) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:
    - (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted;*

- (b) accent lighting shall be limited to residential accent lighting required for safety, and any up-lighting shall be prohibited;*
- (c) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and*
- (d) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.*

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

- (a) A written narrative to demonstrate lighting objectives,*
- (b) Photometric data,*
- (c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,*
- (d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or*
- (e) Landscaping information to describe potential screening.*

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

**b. FINDINGS:**

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

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

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

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

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

## VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

- **HYDROLOGY:** Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption;
- **BIOLOGICAL RESOURCES:** Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant;
- **PUBLIC SERVICES:** Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining;
- **TRAFFIC:** Deficient operation and excess delays associated with turning movements from eastbound SR120 onto northbound US 395 during peak season midday conditions (this significant impact would occur with or without the proposed housing project);
- **AESTHETICS:** Project impacts on scenic and visual resources and on light and glare

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

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

**THE PROJECT WILL PROVIDE NEEDED HOUSING:** Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by this tourism sector (62% of total County employment, well above average<sup>3</sup>). As noted in the 2009 study of tourism in Mono County,<sup>4</sup> many of the tourism-based jobs are seasonal and part time, and vary widely by season. Employment at the Tioga hotel and restaurant will be highest in the summer season, when visitor numbers are at a peak. Employment opportunities on the project site will be reduced during the winter and shoulder season, and it is anticipated that Tioga workers will seek employment in other sectors during the off season. Seasonal workers in Mono County on average hold 1.4 jobs, and of the 37 existing employees at the Tioga site, 30% are employed by the ski industry during winter months. A cornerstone goal of the proposed housing project is to provide the flexibility for onsite workers to accommodate fluctuations in seasonal employment without the need for a seasonal change of housing.

Frequent changes in housing increase the isolation of working families, and reduce job security. Long commutes are a financial burden and diminish time with family. In contrast, the availability of stable housing is associated with positive impacts on individual and family health and well-being. The 2017 *Mono County Housing Needs Assessment*<sup>5</sup> identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The *Assessment* found that 50-100 units would be required to address current needs, and an additional 70 new units would be required to accommodate new housing demand from anticipated employment growth. Fully 44% of Mono Basin residents responding to the *Assessment* survey reported that friends or family lived with them due to a lack of housing. The project will therefore respond not only to the housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but could also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

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

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

**THE PROJECT WILL SUPPORT ECONOMIC DEVELOPMENT:** The currently approved uses in the Specific Plan support Mono County's primary economic drivers of tourism and outdoor recreation, and are estimated to generate 187 new employees at build out. Because these estimated employees are generated by approved uses, they will exist regardless of whether the Project is approved. Without the Project, the burden of housing these employees will fall on the existing housing stock in the town of Lee Vining and surrounding communities. In addition to the availability of housing, the proximity of housing to employment has been identified as a crucial component of economic competitiveness.<sup>6</sup> Impacts of this mismatch include high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining. The project applicant is seeking to create housing opportunities on the project site as an

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<sup>3</sup> The Bureau of Labor Statistics estimates total civilian employment in California at 19.5 million as of November 2019; travel and leisure represented an estimated 2.0 million (10.3%) of those jobs. BLS, *Economy at a Glance*: <https://www.bls.gov/eag/eag.ca.htm>.

<sup>4</sup> Mono County Department of Economic Development and Special Projects, *The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008*, January 2009. Prepared by Lauren Schlau Consulting.

<sup>5</sup> Mono County, *Housing Needs Assessment*, prepared by BBC Economics: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/5732/mono\\_county\\_housing\\_needs\\_assessment\\_bos\\_f.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf)

<sup>6</sup> Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness Through Partnership*. September 2000 [https://www.jchs.harvard.edu/sites/default/files/mpill\\_woo-8.pdf](https://www.jchs.harvard.edu/sites/default/files/mpill_woo-8.pdf)



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

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

**THE PROJECT WILL SUPPORT CONSERVATION:** Multiple design and technological components have been integrated into the project design to promote long-term conservation. These include a subsurface irrigation system that will utilize treated wastewater from the package plant to meet half of onsite irrigation demand during the summer season, supporting the growth of newly planted native species and substantially reducing use of groundwater supplies. Electric vehicle charging stations will be provided in the housing complex for use by the housing residents to reduce use of fossil fuels. Solar panels will be provided on all project rooftops facing southward to meet a substantial portion of project energy demands. A new onsite bus stop will be provided for ESTA to reduce personal automobile use by residents and by future hotel guests. Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category with fully 70% of the entire Tioga site designated for open space. Protection of area wildlife will be strengthened by new restrictions on unleashed pets and a new protected corridor along US 395.

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

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

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

## IX. CONCLUSIONS

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

of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*.

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

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project that would mitigate or substantially lessen the impacts; and
3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

## Exhibit B to Planning Commission Resolution 20-01

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

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

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

- 1 FSEIR, sections 1-5
- 2 FSEIR, sections 6-8
- 3 Appendix A
- 4 Appendix B, 1 of 3
- 4 Appendix B, 2 of 3
- 4 Appendix B, 3 of 3
- 5 Appendix C
- 6 Appendix D
- 7 Appendix E
- Tioga Inn Specific Plan Amendment #3
- Complete Specific Plan & DSEIR document
- DSEIR Table of Contents
- DSEIR Chapters ONLY
- DSEIR Appendices ONLY
- Exhibit 3-3. Project Site Plan
- Exhibit 4-1. Site Context Map
- Exhibit 5.1-2. Conceptual Grading Plan
- Exhibit 5.2-1. Conceptual Drainage Plan
- Exhibit 5.3-6. Open Space Plan
- Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3

Signature: Christian E. Milovich  
Christian E. Milovich (Jun 23, 2020 13:09 PDT)

Email: [cmilovich@mono.ca.gov](mailto:cmilovich@mono.ca.gov)

Signature: Mel Bell  
Melissa Bell (Jun 23, 2020 13:10 PDT)

Email: [mbell@mono.ca.gov](mailto:mbell@mono.ca.gov)

# R20-01 TiogaInnSP&SEIR pc 04-16-20 approved

Final Audit Report

2020-06-23

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# Eastern Sierra Unified School District

P.O. Box 575 – 231 Kingsley Street  
Bridgeport, CA 93517  
Telephone (760) 932-7443 – Fax (760) 932-7140

Heidi Torix

**Superintendent**

**Board of Trustees**

Ann Aylesworth  
Jimmy Little  
Ricky McCoy  
Tim Sullivan  
Bob Tems

*April 14, 2020*

Wendy Sugimura  
Mono County Community Planning Commission  
Community Development Director  
PO Box 347  
Mammoth Lakes, CA 93546

**RE: Tioga Community Housing Plan and the impacts on the Eastern Sierra Unified School District**

Ms. Sugimura and the Mono County Community Planning Commission,

Here at Eastern Sierra Unified School District (ESUSD), we open our doors and welcome each child as they come to us. Aside from student safety, our primary job is to educate our students to the best of our ability. In order to do so, the district must ensure we have properly credentialed teachers, appropriate supplies and facilities, and appropriate class sizes (student-to-teacher ratio). ESUSD is funded by our property taxes (Basic Aid), not by ADA (Average Daily Attendance, or the number of students we have in seat). Since ESUSD is a Basic Aid school district, and because of our limited means of revenue, I'd like to address a few items put forth in the Subsequent Environmental Impact Reports dated June of 2019 and March of 2020.

As found in pages 5.5-22 and 5.5-23 (which addresses goal 12.A Improving Community-School Support), the plan points out that ESUSD will receive enough developer fees to cover a variety of costs including new facilities and community programs. To clarify, ESUSD would receive developer fees that could possibly cover the need of an additional portable classroom. These fees are restricted from being used

for salaries, which would be the on-going, unfunded cost the district would incur. Specifically, for grades K-3, California schools must follow Class Size Reduction which means that our class sizes cannot handle more than 24 students without having to hire an additional teacher. If we see an influx of students in our primary grades, the dollars don't automatically come with those students; instead, the district is forced to hire an additional teacher(s) with limited tax dollar revenues. Any additional programs that might've been mentioned in the creation of this plan are not budgeted in the districts multi-year budget; these programs would also be additional costs to the district.

Specific numbers of students and the impact on our Lee Vining schools is mentioned beginning in section 5.8 of the Environmental Impacts and Mitigating Policies and Actions Impact Services. Though ESUSD cannot predict the number of students this project could possibly bring, it should be stated that any influx of students will also have an impact on class sizes other than K-3. One must look at the significant difference of educating a classroom with less than 20 students versus a classroom with many more. Communication that occurred with our prior CBO, Mollie Nugent, (as mentioned in comments coming from ESUSD) should not be the sole basis of communication with the district. As noted, the discussion involves the infrastructure immediately needed should the project go through, not the on-going staff costs the district would incur.

It is not my intent to deter growth in Mono County as the school district is responsible for educating students, not building infrastructure. However, I want to be clear that as the Superintendent of ESUSD, I can say for certainty that additional students without equal funds to support staffing could put a great financial burden on our district.

If you have any questions, please do not hesitate to call me at (760) 932-7443, or email me at [htorix@esUSD.org](mailto:htorix@esUSD.org).

Sincerely,  
  
Heidi Torix

Cc: Michael Draper, Planning Analyst  
Cetera Rohl, ESUSD Chief Business Officer  
Eastern Sierra Unified School District Board of Trustees

## Meeting Notes: Tioga Inn Project

Eastern Sierra Unified School District and Mono County Community Development Department  
May 7, 2020

### Attendees:

- Heidi Torix: ESUSD, Superintendent
- Cetara Rohl: ESUSD, Chief Business Officer
- Wendy Sugimura: Mono County, Community Development Department Director
- Michael Draper: Mono County, Community Development Department Planner
- Sandra Bauer: Consultant for Mono County on Tioga Inn Specific Plan Project

### Background:

- Sandra Bauer contacted the Eastern Sierra Unified School District office and was referred to Mollie Nugent, the previous Chief Business Officer, who provided email comments on the project. The County relies on the school district to direct us to the correct staff for input on projects.
- Heidi Torix expressed that the correct staff to provide input should have been the Superintendent and not the Chief Business Officer, and stated that she had not been informed by the prior Superintendent or Business Manager of the project-related communications.
- Sandra Bauer had sent the following estimated student generation rates to ESUSD:
  - 5-9 year olds = 12
  - 10-15 year olds = 22
  - High school age = 28

### ESUSD Concerns:

- The number of projected new students may result in the need for up to two new teachers in order to maintain small class sizes and comply with CA's class size reduction requirements of no more than 24 students in grades K-3.
- Cost of new teacher is \$120,000-130,000
- Development impact fees cover one-time capital costs for infrastructure projects, but do not provide ongoing funding for a new teaching position; property taxes are the source of ongoing revenues (~75% of budget).
- The previous statement by Mollie Nugent that DIF would cover the cost of a potential new classroom at that elementary school is not in dispute.
- School bus: no capacity to pick up extra students at Tioga Inn
- More students would not enhance the schools or educational quality
- Top priority is small class, preference is for 12-15 students per class
  - Example of Benton classes given: 18 students with 2 teachers
  - Project threatens small class sizes
- A previous email from Mollie Nugent stated "Adding students whose families have access to stable, affordable housing is something ESUSD welcomes as enriching to our school community." When asked if she agreed with this statement, Heidi Torix responded "No I don't specifically agree to the verbiage 'adding students'. I agree it's ideal that our students have the best housing possible but more students still poses concerns for ESUSD."

### **Property Tax Revenues:**

- ESUSD receives 11-12% of 1% of assessed value, or approx. \$1,120 for every \$1 million of assessed value
  - As an example, a \$6 million project results in approximately \$7,000/year for the school district
- Property taxes make up 75% of the school district budget
- Average Daily Attendance (ADA) school receives funding per student, Basic Aid school receives funding from property tax. Use whichever provides more funding to school.
  - ADA schools generally have larger classes because funding per student does not cover costs per student

### **Lee Vining Elementary School:**

- K-3 maximum student standard = 24 students
- Most classes are combined grades: TK-K, 2-3, 3-4, 5-6, 7-8. Only 1<sup>st</sup> grade is not a combo class.
- An additional 10 students in Kindergarten would require a new teacher
- Current enrollment: K-4 = 16-22 students per class, 5/6 = 28, 7/8 = 26

### **Lee Vining High School**

- 4 FT teachers have 6 classes and one prep period
- Increase in students could require more combo classes which are not preferred
  - More combo classes could result in cutting other classes, such as AP classes
- HS doesn't offer a lot of electives because of small student population
- No maximum numbers for HS classes. Urban areas = 35-40 students. Eastern Sierra (incl. Mammoth) = 15-30, Lee Vining = ~15 students
- Classes that do not lend themselves to combos = English, math ( due to 3-year integrated program), science (3-year integrated program)
  - Colleges requiring 3 years of math and science, so need for sufficient college prep
  - Integrated program not required but provides the best education
- 3-4 AP Classes offered
- Cerro Coso classes encouraged, can graduate with AA degree
- Electives okay for combo classes; challenge is conflict with core classes held at same time

### **Potential Mitigation Measures**

- Development Fees: can't be increased without new nexus study and based on capital projects, does not account for ongoing staff costs
- Property taxes may not fully fund one or more new teachers
- ESUSD can't identify any mitigation measures that would lessen project impacts on ESUSD school services; only solution suggested is for ongoing funding to be provided into perpetuity.



## 2018 MAMMOTH LAKES & MONO COUNTY BUSINESS RETENTION AND EXPANSION SURVEY EXECUTIVE SUMMARY

### KEY FINDINGS:

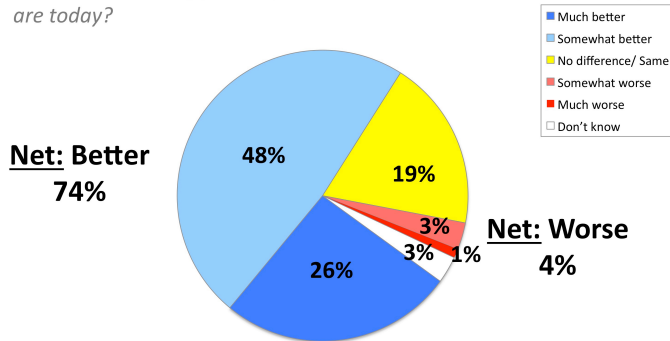
- *Local businesses are optimistic about business conditions in Mammoth Lakes & Mono County, and rate the area positively as a location for their business.*
- *Tourism marketing is an important local strength where businesses say they are well served. There is room for improving business leaders' understanding of their high speed internet options.*
- *Many area amenities are rated highly, but availability of affordable housing is a key workforce challenge.*

### *Local Businesses Are Optimistic About Their Future in Mammoth Lakes & Mono County*

Businesses are optimistic about business conditions looking ahead to the next few years. While this survey did not address their current assessment of business conditions, this level of optimism typically indicates that businesses are experiencing a successful cycle and expect it to continue and improve. Seventy-four percent of businesses are optimistic about future business conditions while only 4% take a pessimistic view. Further evidence that local businesses are enjoying stable conditions is found in average employment numbers, which are essentially even across this year, the previous year, and expectations for next year, with a mean of about 36 employees across all businesses each year.

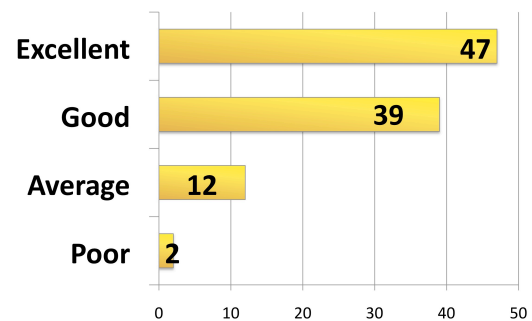
### Business Conditions

*Two years from now, do you think business conditions in Mammoth Lakes/Mono County for you will be better, worse or the same as they are today?*



### Business Location

*How would you rate Mammoth Lakes/Mono County as a location for your business?*



Furthermore, 47% say the area is an excellent location for their business, while another 39% rate the area as “good.” Forty-six percent plan to continue operating at their current location, while another 21% plan to expand in their location. While several businesses are considering various options for expanding or relocating, only 2% are considering relocating outside of the area.

This study includes a diverse range of businesses, with 39% located in Mammoth Lakes and 61% in the broader areas of Mono County. Of the businesses interviewed for this survey, 30% are lodging, 18% are restaurants, coffee shops,

or breweries, and professional services and retail establishments each comprise 11%. Two thirds operate year round, with nearly half (47%) of mean sales accrued during Summer.

**Tourism Marketing is an Important Strength of the Area**

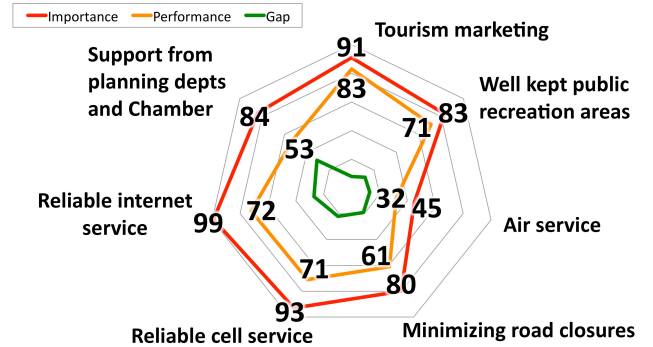
In this region where 64% say their business is driven by visitors, it is no surprise that 91% consider tourism marketing important to their business. This is also the area businesses feel they are being best served, with 83% saying their needs are currently well met in this critical arena. Maintenance of public areas, air service in and out of the area, and minimizing road closures are also areas where ratings of performance are reflective of relative importance (the chart at right shows each topic ranked by the gap between importance and performance, beginning with the smallest gap clockwise from top). Air service is more important for businesses located in the town of Mammoth Lakes than those outside of town.

However the survey also shows some gaps in terms of the importance of various topics compared to how well their needs are being met. Reliable internet service is cited as the most important issue by 99%, and another 74% say it is critical to their business growth to be able to offer high quality internet access to guests and customers, while just 72% say their needs are currently being well met (28% say their needs are not well served in this area). A lack of understanding may be to blame—while 75% say they understand their options for high speed internet connectivity, only half of local businesses surveyed understand them very well and about one-quarter feel they do not understand their internet options well at all. Similarly, reliable cell service is important to 93% of businesses, while 71% say their needs are well met in this arena (27% not well served). Businesses are furthermore divided over how well the area’s overall technology and internet infrastructure meets their growth plan needs, with 25% saying very well, 40% somewhat well, and 27% not too well or not at all.

The greatest gap however is between the percentage rating support from town or county planning boards and the Chamber as important (84%), and the percentage who feel their needs are well met in this area (53%). Again, a lack of understanding may be partly to blame. While the vast majority (89%) are aware that the County is responsible for enforcing many state regulations, there is a significant lack of awareness of many services provided by the town and county planning departments (see chart at right). In particular, 56% were unaware that free consultation with town staff is available, and only 24% have taken advantage of this service. Increasing awareness of these programs may significantly improve experiences with the aspects of the interaction receiving the highest number of unfavorable ratings, both of which have to do with receiving clear and understandable information. Only two thirds of respondents had contact with the town or county planning departments in the past three years, and the majority of those interactions were regarding building permits (50%) or potential projects (39%).

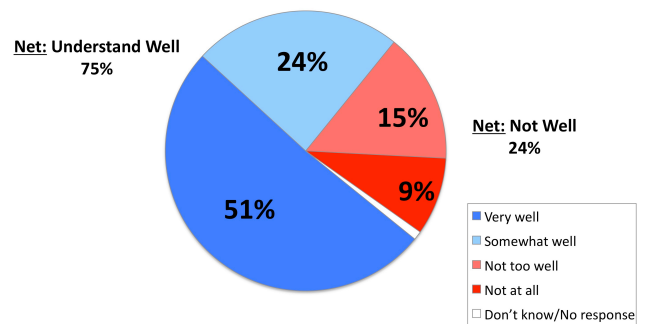
**Importance/Performance**

How important are each of the following to your business? And how well are your business’ needs currently being met in each of these areas?



**Internet Options**

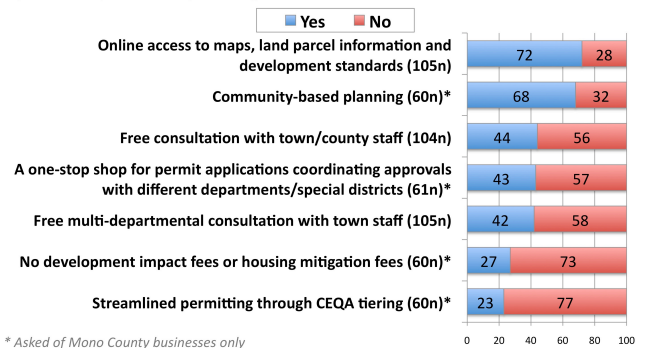
How well do you understand the options you have in Mono County for high speed internet connectivity?



area’s overall technology and internet infrastructure meets their growth plan needs, with 25% saying very well, 40% somewhat well, and 27% not too well or not at all.

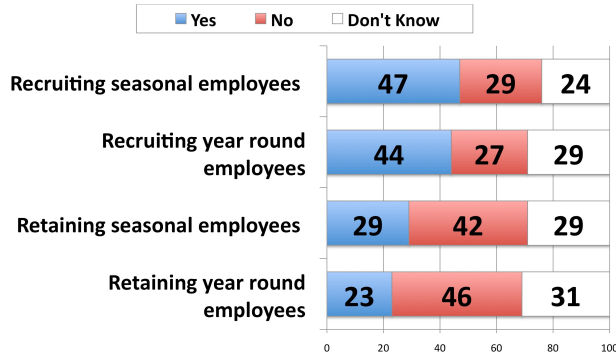
**Planning Services**

Are you aware that the Mono County and Mammoth Lakes community development departments provide the following services?



# Workforce Issues

Does your business have difficulty...



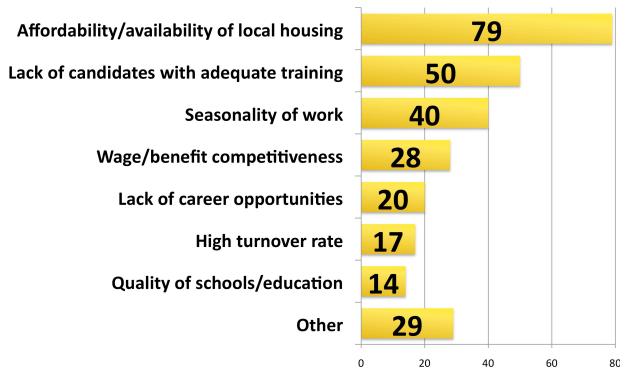
While businesses look forward with optimism, they also express some key needs, especially around recruitment. Almost half of businesses surveyed (47%) report difficulty recruiting seasonal employees, and 44% have difficulty recruiting year round employees. Retention is less problematic, but still over a quarter have difficulty retaining seasonal employees and 23% have difficulty with retention of year round employees. Those reporting seasonal staffing difficulties have the hardest time in April, although April through September are challenging.

Housing is seen as the greatest barrier to workforce maintenance, with 79% attributing affordability or availability of housing as a barrier. Fifty percent also mention

a lack of candidates with adequate training, while 40% admit to the seasonal nature of the work is a barrier. Housing is most critical for seasonal front-line employees, mentioned by 62%, however nearly as many (59%) mention housing for year round frontline employees. Thirty-eight percent of businesses surveyed attempt to address this by offering some employee housing, but only 34% of those say the amount their business can provide is adequate.

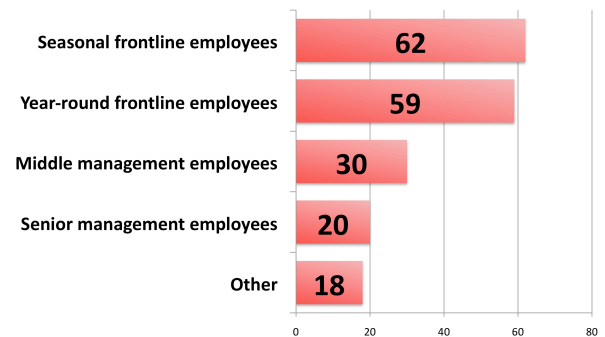
# Workforce Barriers

Which of the following are the greatest barriers to maintaining your workforce?



# Employee Housing

Which type of your employees have the most critical need for housing?



When it comes to training, customer service skills are the greatest need (56%), followed by basic workforce skills such as communication, punctuality, and teamwork (37%), professionalism (32%), management/leadership (31%), sales/marketing (30%), and computer skills (28%). Most management roles are being filled from within (69%), and 72% of businesses consider their management staff to be fairly well equipped with what they need to be successful. Sixty-one percent however say they would be likely to use management training or mentoring programs if available (33% *very* likely). Similarly, 78% say their frontline or customer service staff is well equipped for success, however 64% say their business would be likely to take advantage of training in this department (40% *very* likely). A combination of in-person and online training is preferable (37%) compared to just in-person (33%) or online-only (18%). Only 31% of businesses are aware of any of Mono County's workforce services or subsidized employment/training programs.

# Workforce Training

Which of the following types of training does your business need most?



### **Local Business Leaders Rate Many Area Amenities Highly**

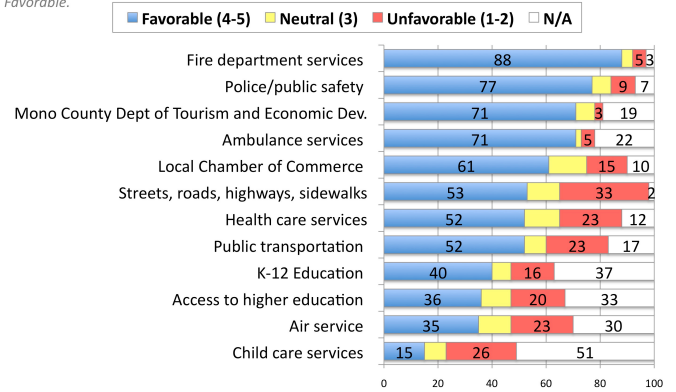
Businesses leaders give the local community high scores for many community services and amenities. The top-rated community features are fire (88%) and police (77%) services, followed the county Department of Tourism and Economic Development and ambulance services, at 71% each. Several other features receive high marks from majorities of local businesses, including the local Chamber (61%), roads and highways (53%), health care services (52%), and public transportation services (52%).

Perhaps reflecting the fact that much of the business in the area is driven by tourism, business owners are unable to rate some community features that did not apply to them individually but may be important to residents and their potential workforce. These include K-12 education, access to higher education, and childcare services. Familiarity with air service is also limited.

When asked specifically how local government, the economic development agencies, or the Chamber can support and foster future local economic growth, the key issue respondents return to by a wide margin is the availability and affordability of local housing. Other important responses include reducing taxes, continuing to invest in tourism amenities, and streamlining more collaborative permitting processes.

## **Community Amenities**

*How have your experiences been with the following community services/amenities from Unfavorable to Favorable.*



### **METHODOLOGY**

This survey of business leaders and owners was conducted among 132 businesses in Mammoth Lakes and Mono County. Interviews were conducted by volunteers in Spring/Summer 2018. Businesses were not randomly selected for participation but were identified by committee to represent the broader sample of businesses in the area. The survey was sponsored and conducted by the Mammoth Lakes Chamber of Commerce and Mono County, who would like to thank the businesses who contributed to the survey. Data was tabulated and reported by Long Research Consultants, LLC. For more information about this study or the many programs and services offered to local businesses by the town or county, please contact:

### **Mammoth Lakes Chamber of Commerce**

[www.MammothLakesChamber.org](http://www.MammothLakesChamber.org)

Ken Brengle

[info@mammothlakeschamber.org](mailto:info@mammothlakeschamber.org)

(760) 934-2712

### **Mono County Economic Development**

[www.monocountyeconomicdevelopment.com](http://www.monocountyeconomicdevelopment.com)

Alicia Vennos

[avennos@mono.ca.gov](mailto:avennos@mono.ca.gov)

800-845-7922

# Mammoth Lakes & Mono County BR&E Study

*August 2018*



LONG RESEARCH  
— CONSULTANTS, LLC —

# Survey Methodology

<b>Mode</b>	<b>Web Survey</b>
<b>Audience</b>	<b>132n Business Residents in Mammoth Lakes and Mono County</b>
<b>Field Dates</b>	<b>August 2018</b>
<b>Length</b>	<b>97 questions</b>
<b>Margin of Error</b>	<b>+/- 8.5</b>

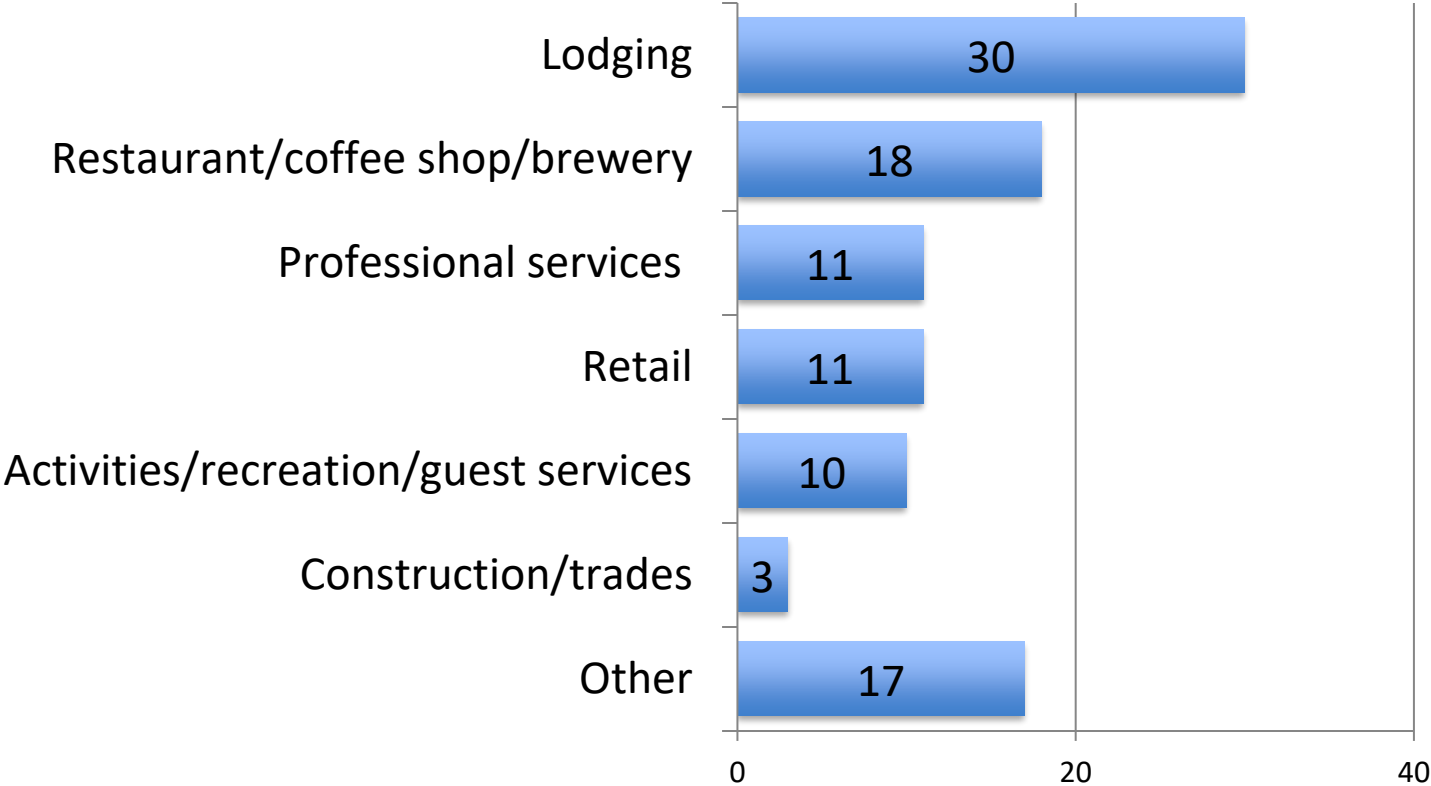
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# Demographics

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# Business Type

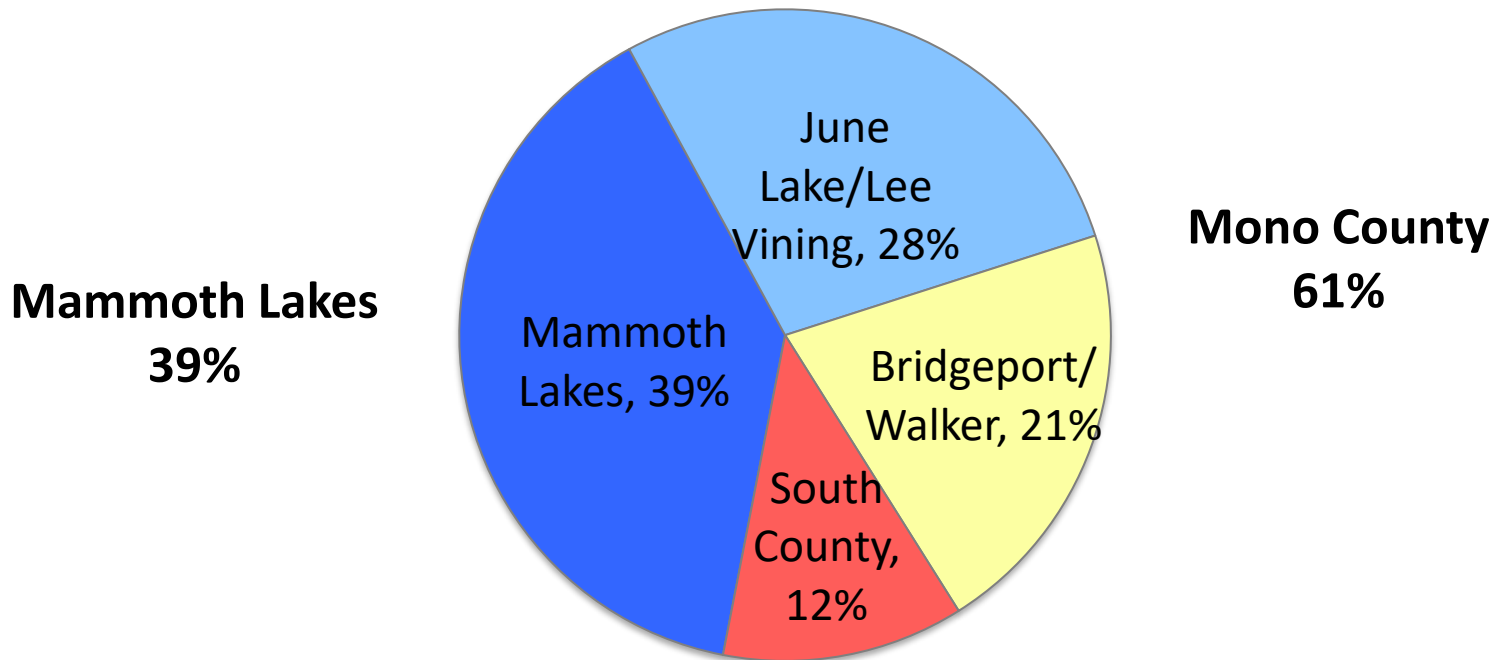
In what category does your business fall? (Q.5) **Base: 131n**





# Business Location

Where is your business located? (Q.6) **Base: 131n**

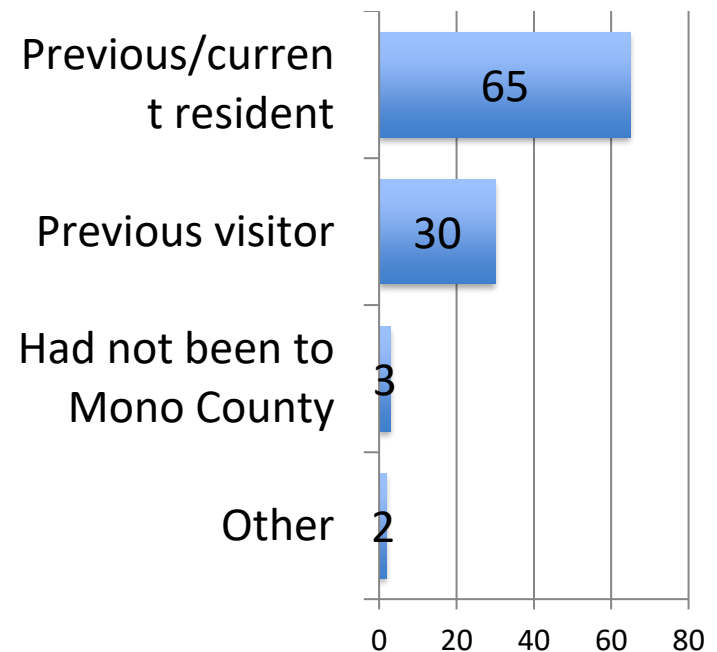
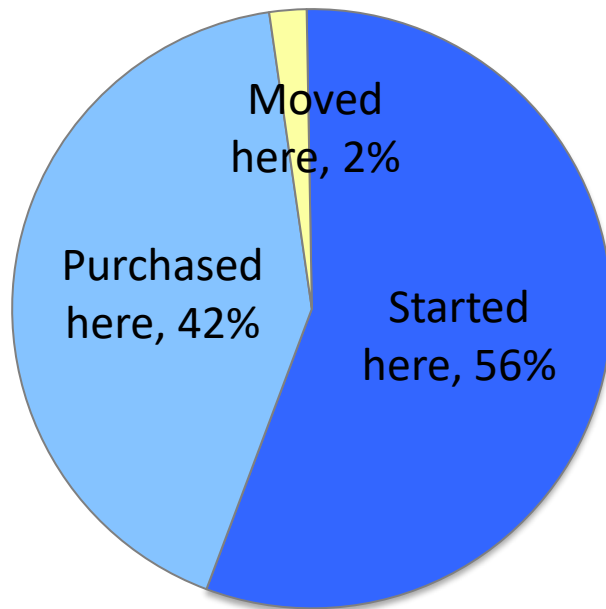


# Business Start & Area Familiarity

Did your business start up here, move here, or was it purchased from a previous owner? (Q.7)

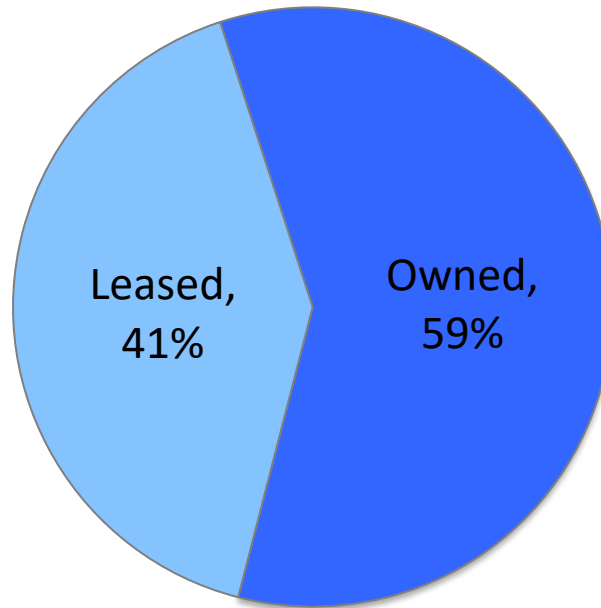
**Base: 132n**

How familiar were you with the area before you located your business here? (Q.9) **Base: Those who started or moved here, 112n**



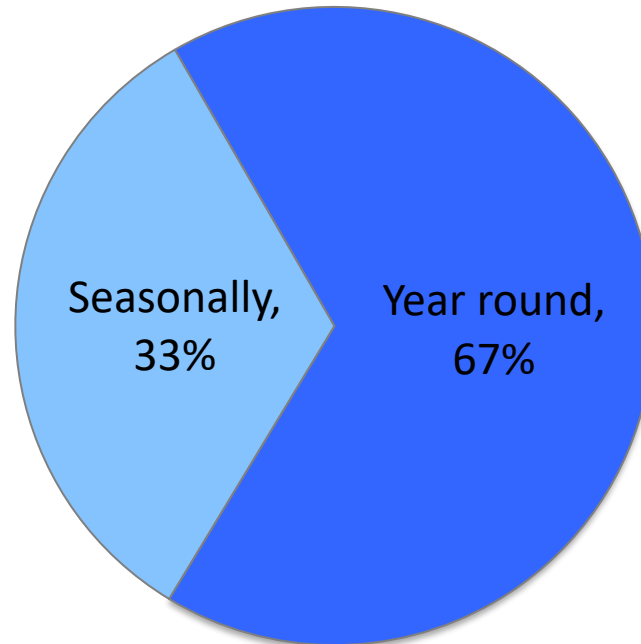
# Owned or Leased Property

Is your business property owned or leased? (Q.10) **Base: 126n**



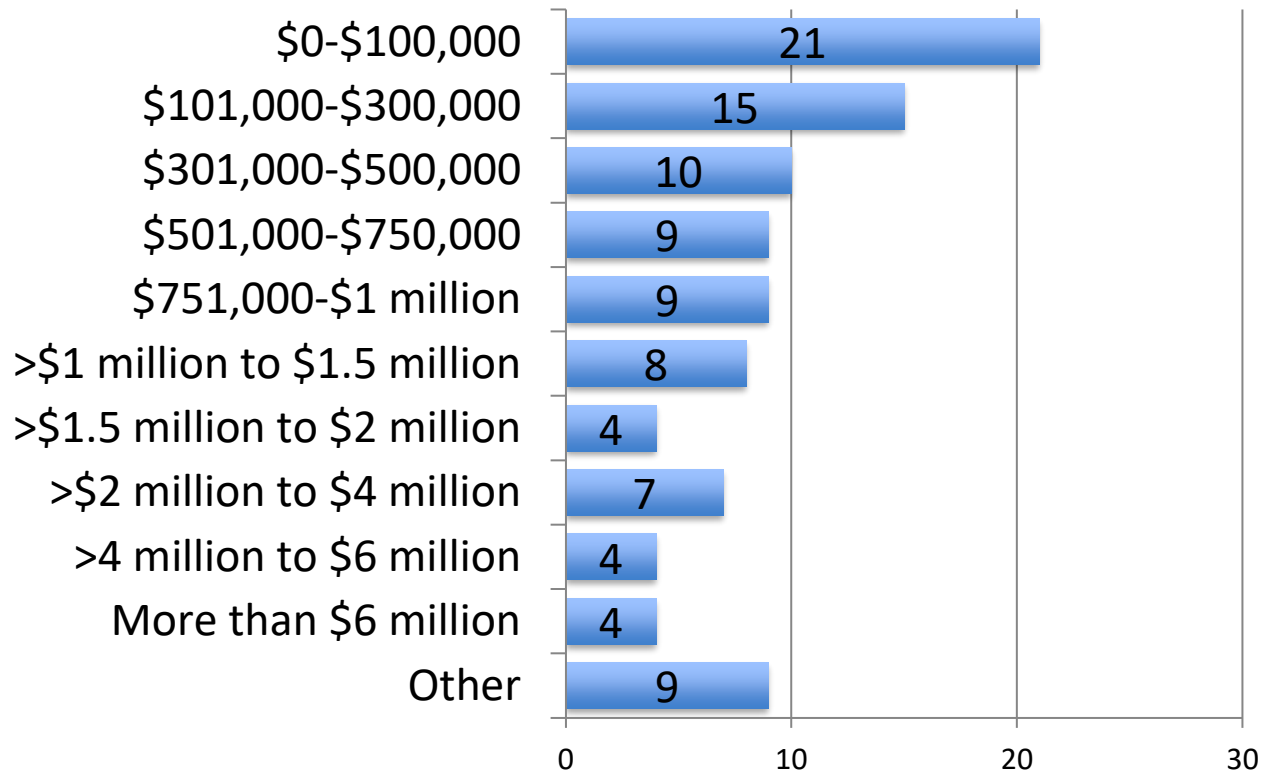
# Year Round or Seasonal Business

Does your business operate year round or seasonally? (Q.11) Base: 129n



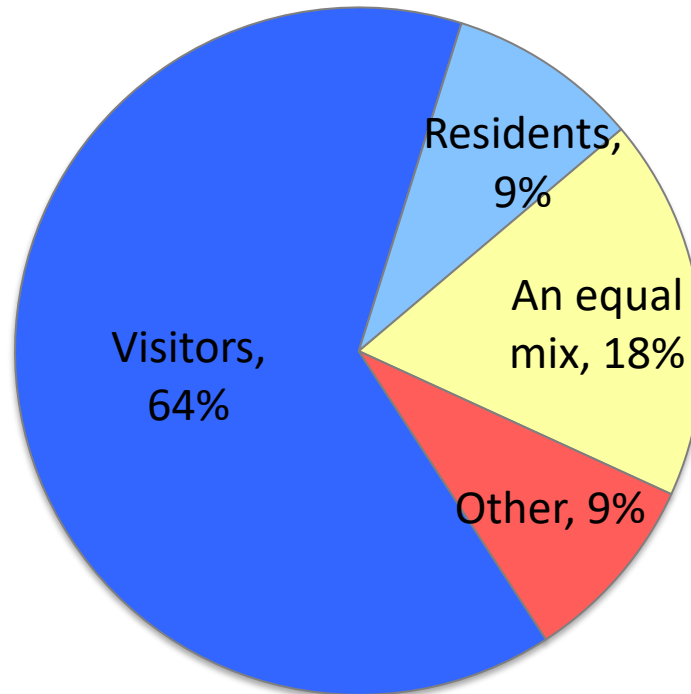
# Annual Sales

What were your total annual sales in 2016? Specify or select the range if you do not want to provide a more precise answer. (Q.14) **Base: 118n**



# Customer Base

Does most of your business come from residents or visitors? (Q.15) **Base: 128n**



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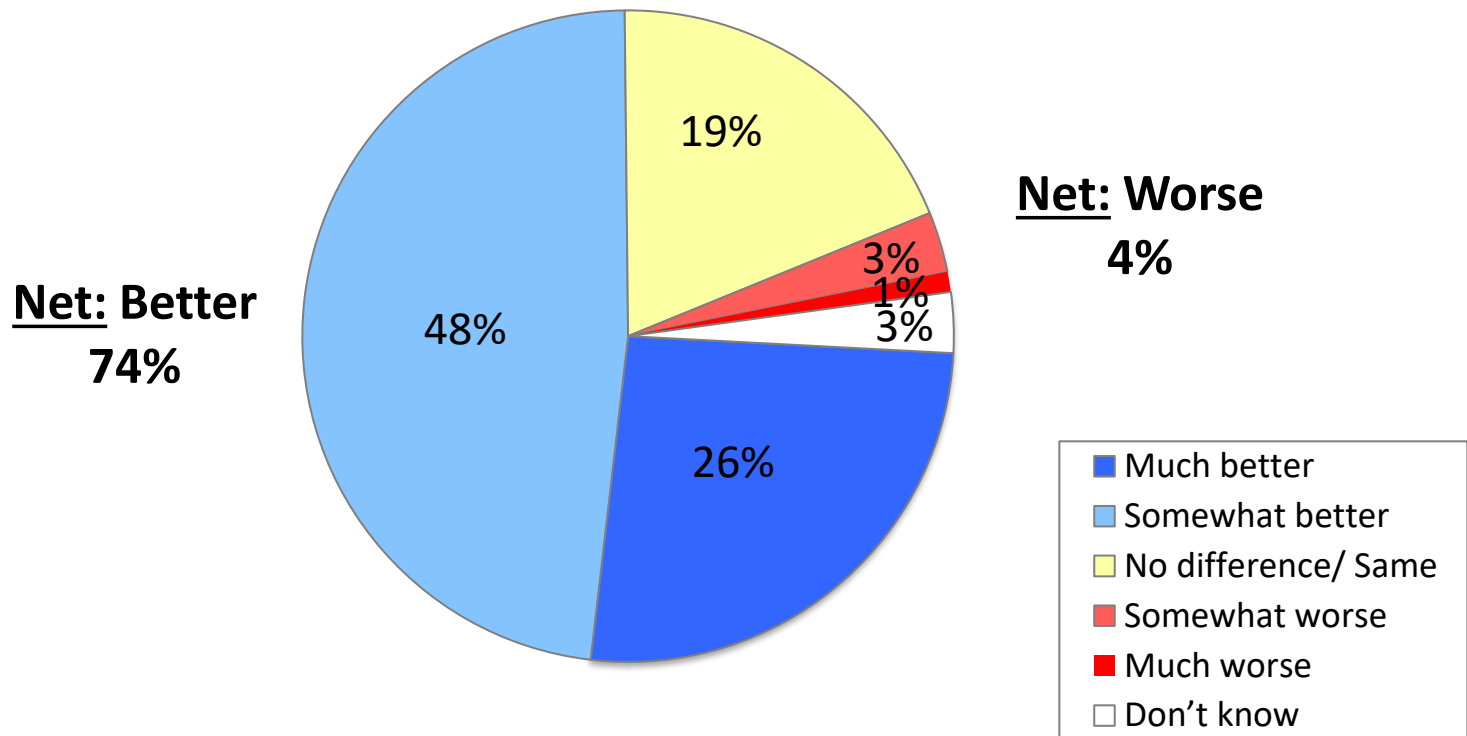
# Business Climate

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# Business Conditions

Two years from now, do you think business conditions in Mammoth Lakes/Mono County for you will be better, worse or the same as they are today? (Q.22) **Base: 124n**





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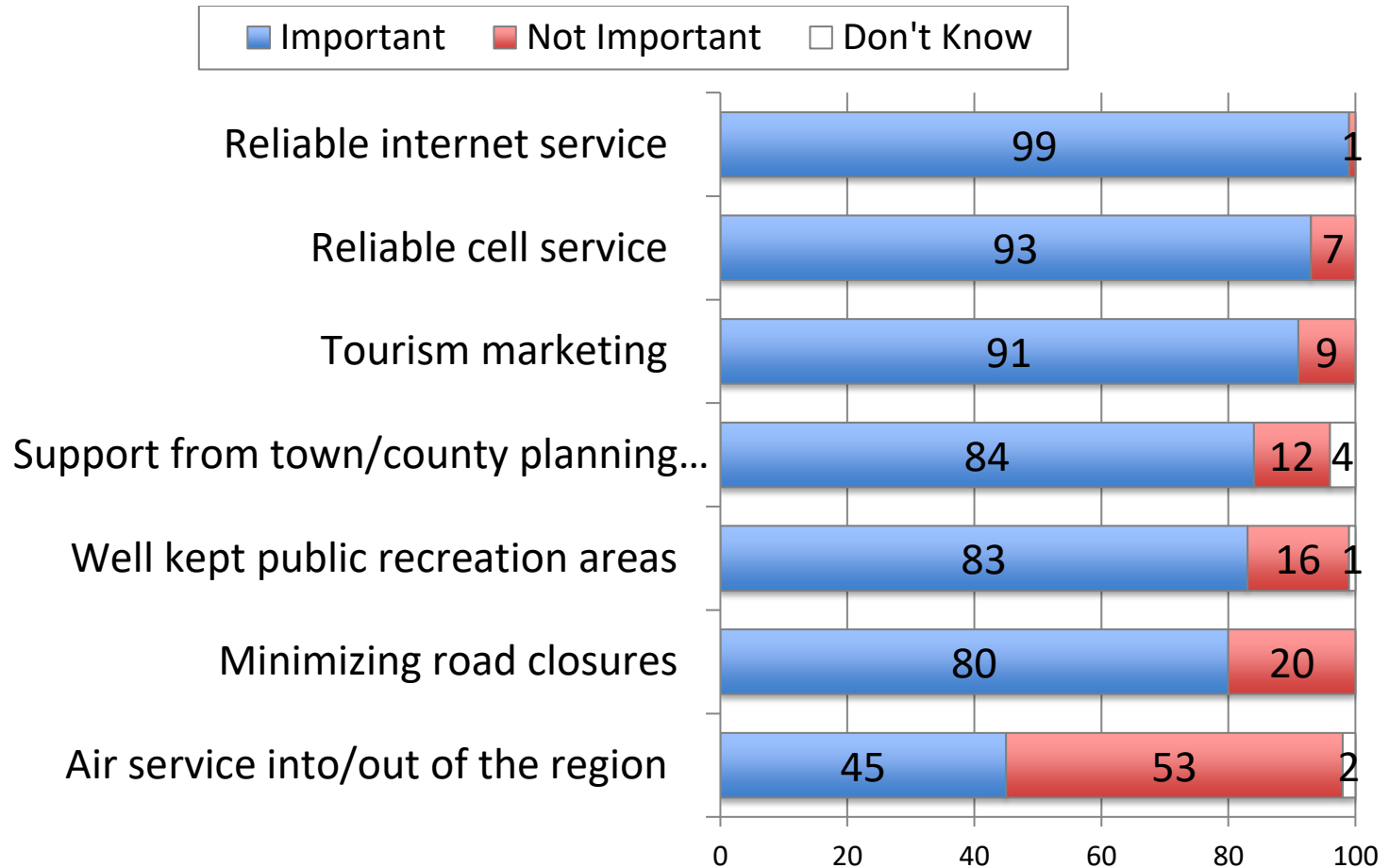
# Connectivity & Services

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# Services (*Importance*)

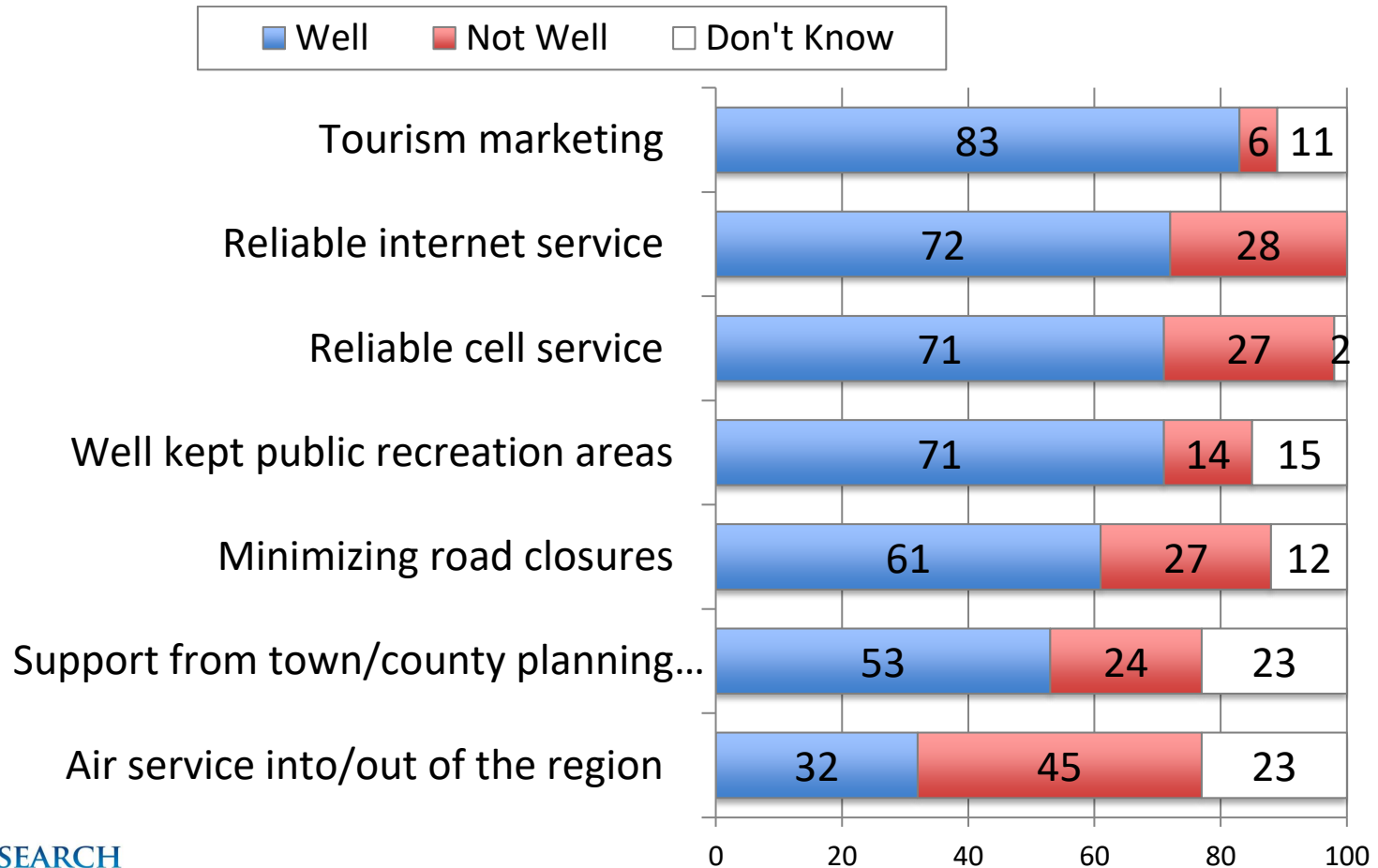
How important are each of the following to your business. (Q.23-29) **Base: 124-125n**



# Business Needs (*Performance*)

And how well are your business' needs currently being met in each of these areas. (Q.30-36)

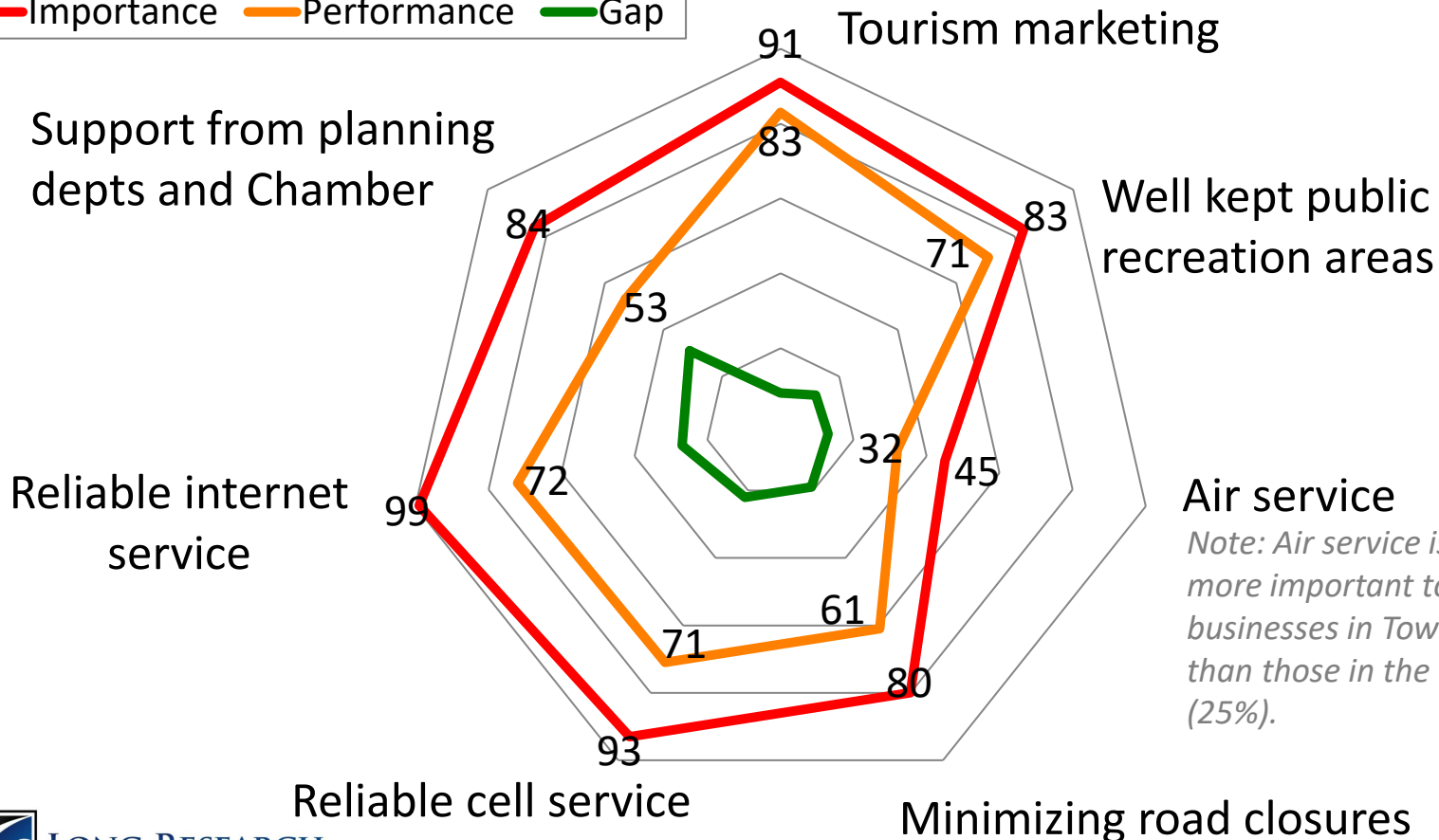
Base: 121-125n



# Importance/Performance Analysis

How important are each of the following?/And how well are your business' needs currently being met in each of these areas? (Q.23-36) **Base: 121-125n**

— Importance — Performance — Gap

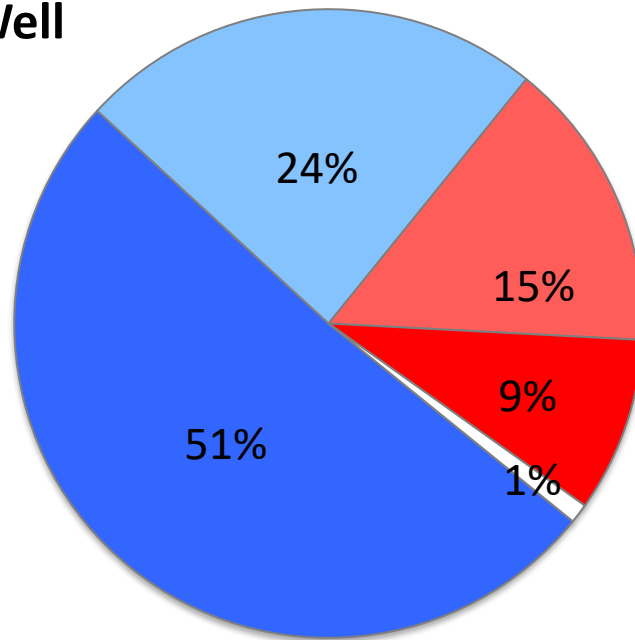


**Air service**  
*Note: Air service is much more important to businesses in Town (77%) than those in the County (25%).*

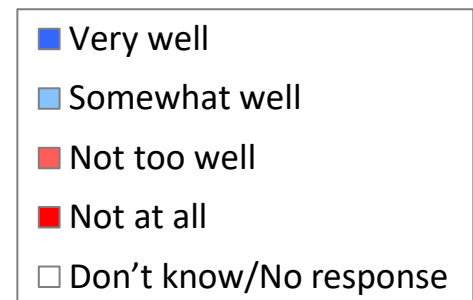
# Internet Connectivity

How well do you understand the options you have in Mono County for high speed internet connectivity? (Q.38) **Base: 123n**

**Net: Understand Well**  
**75%**



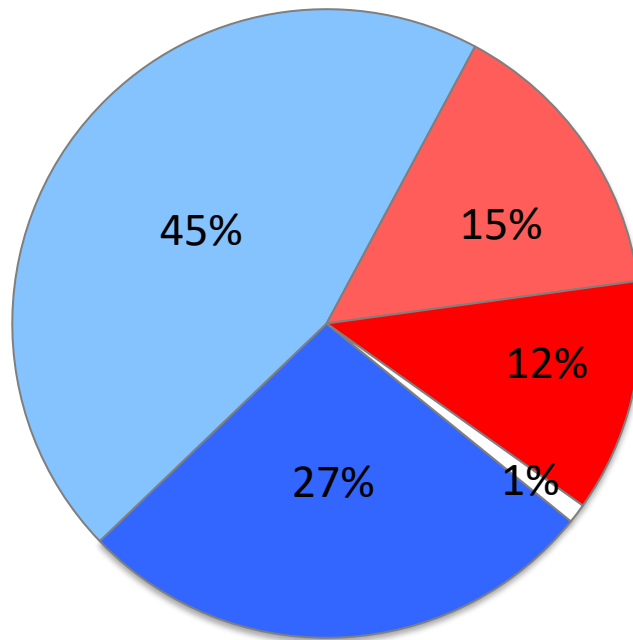
**Net: Not Well**  
**24%**



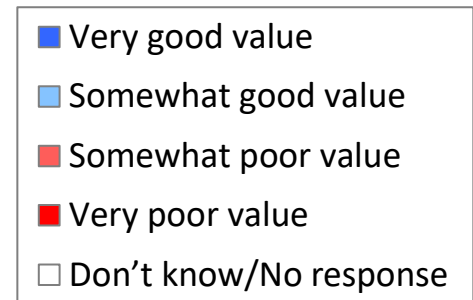
# Internet Value

How would you rate the value you get from the local internet service providers? (Q.39) **Base: 124n**

**Net: Good Value**  
**72%**



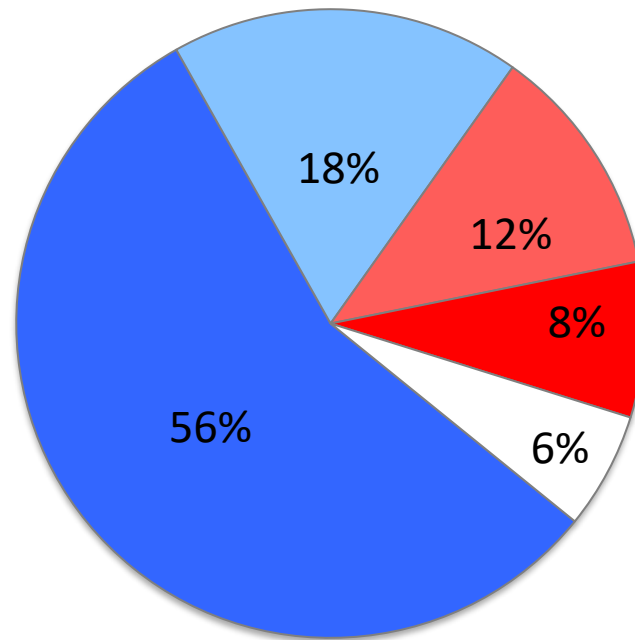
**Net: Poor Value**  
**27%**



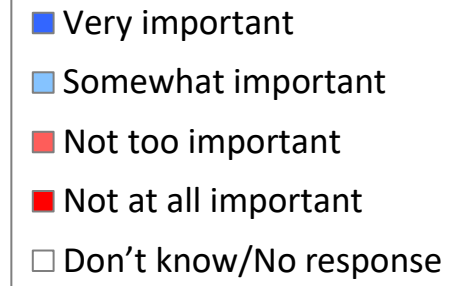
# Internet Access to Customers

How important is it to your business' growth to be able to offer reliable high speed internet access to your guests or customers? (Q.40) **Base: 124n**

**Net: Important**  
**74%**

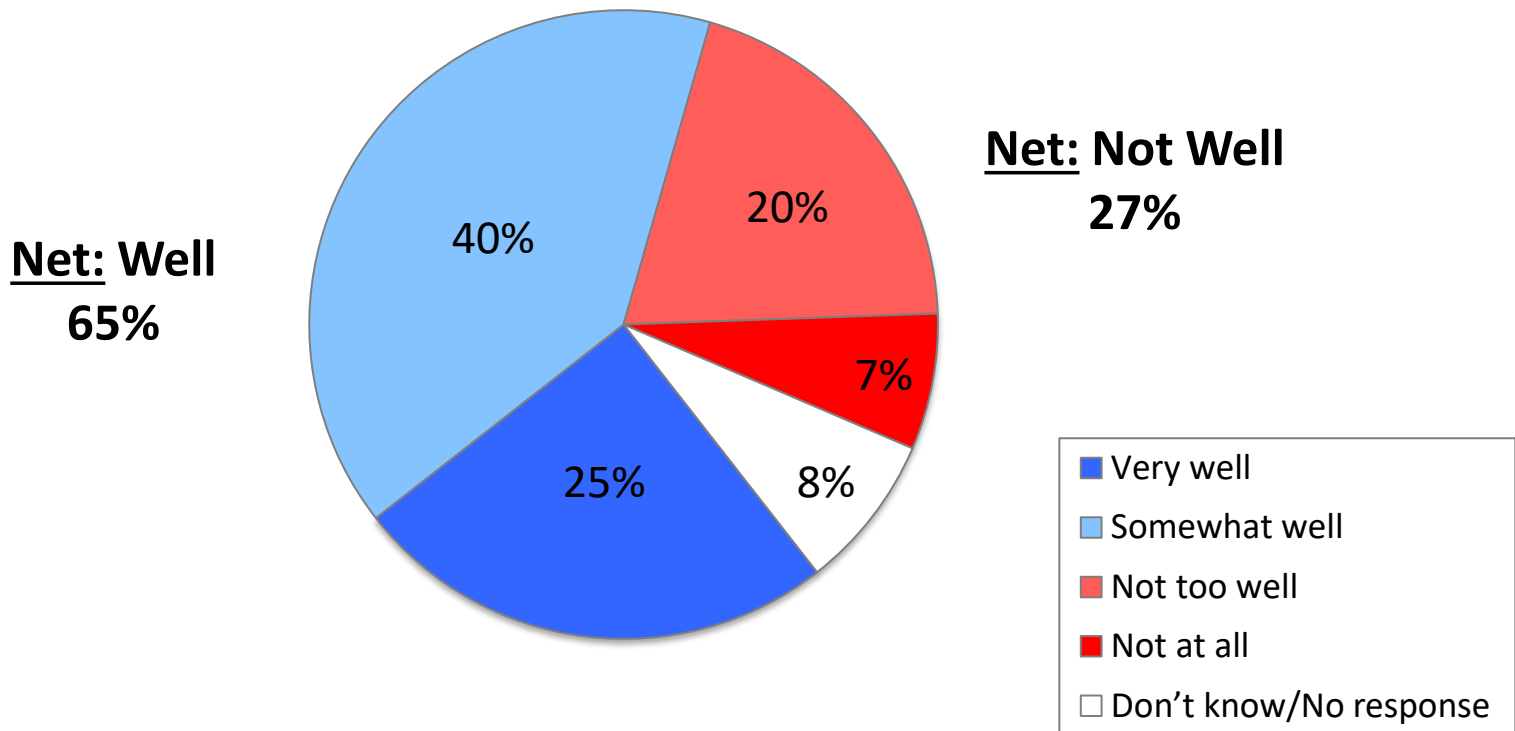


**Net: Not Important**  
**20%**



# Technology & Internet Needs

How well does the region's overall technology and internet infrastructure meet your company's growth plan needs? (Q.41) **Base: 124n**





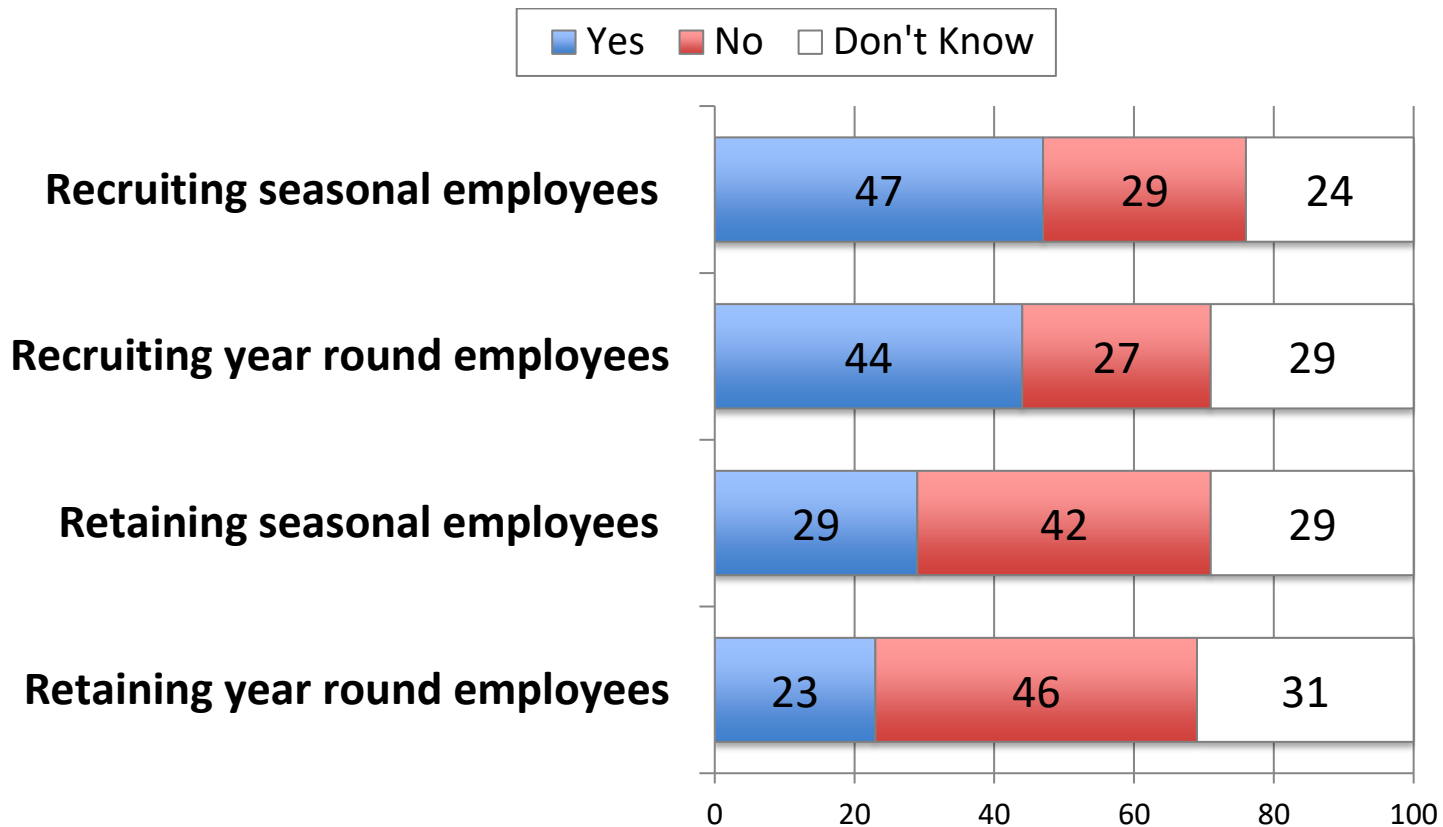
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# Workforce Issues

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# Workforce Issues

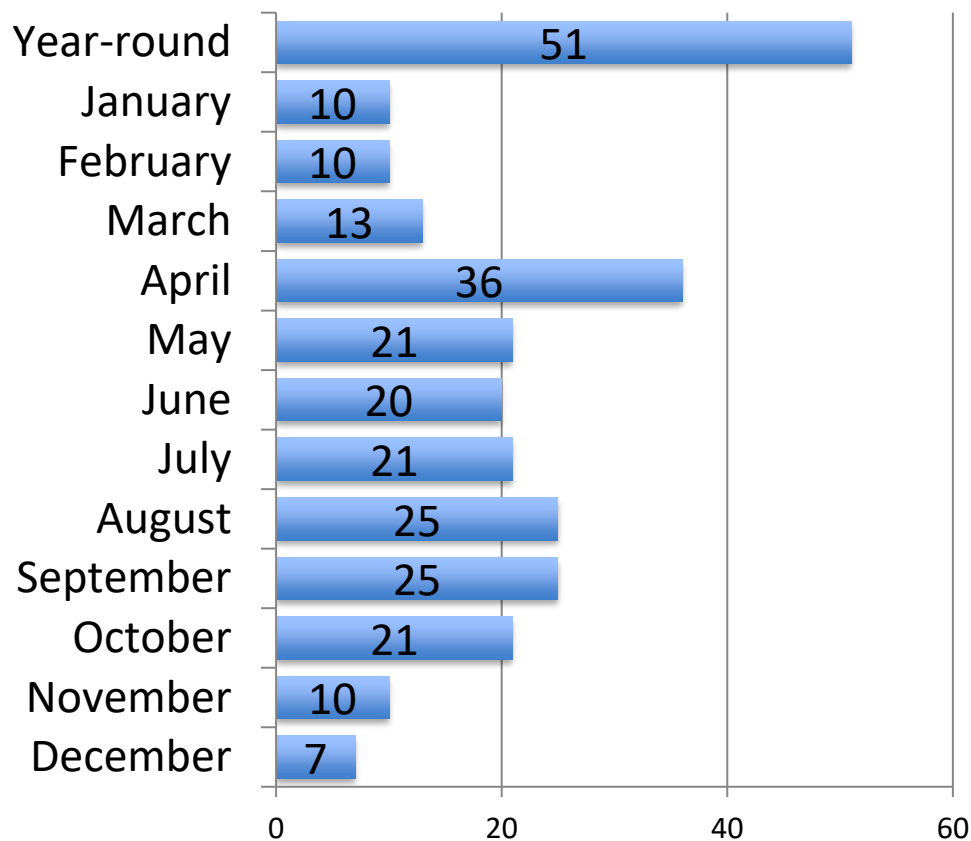
Does your business have difficulty... (Q.43-46) **Base: 120n-122n**



# Employee Recruitment & Retention

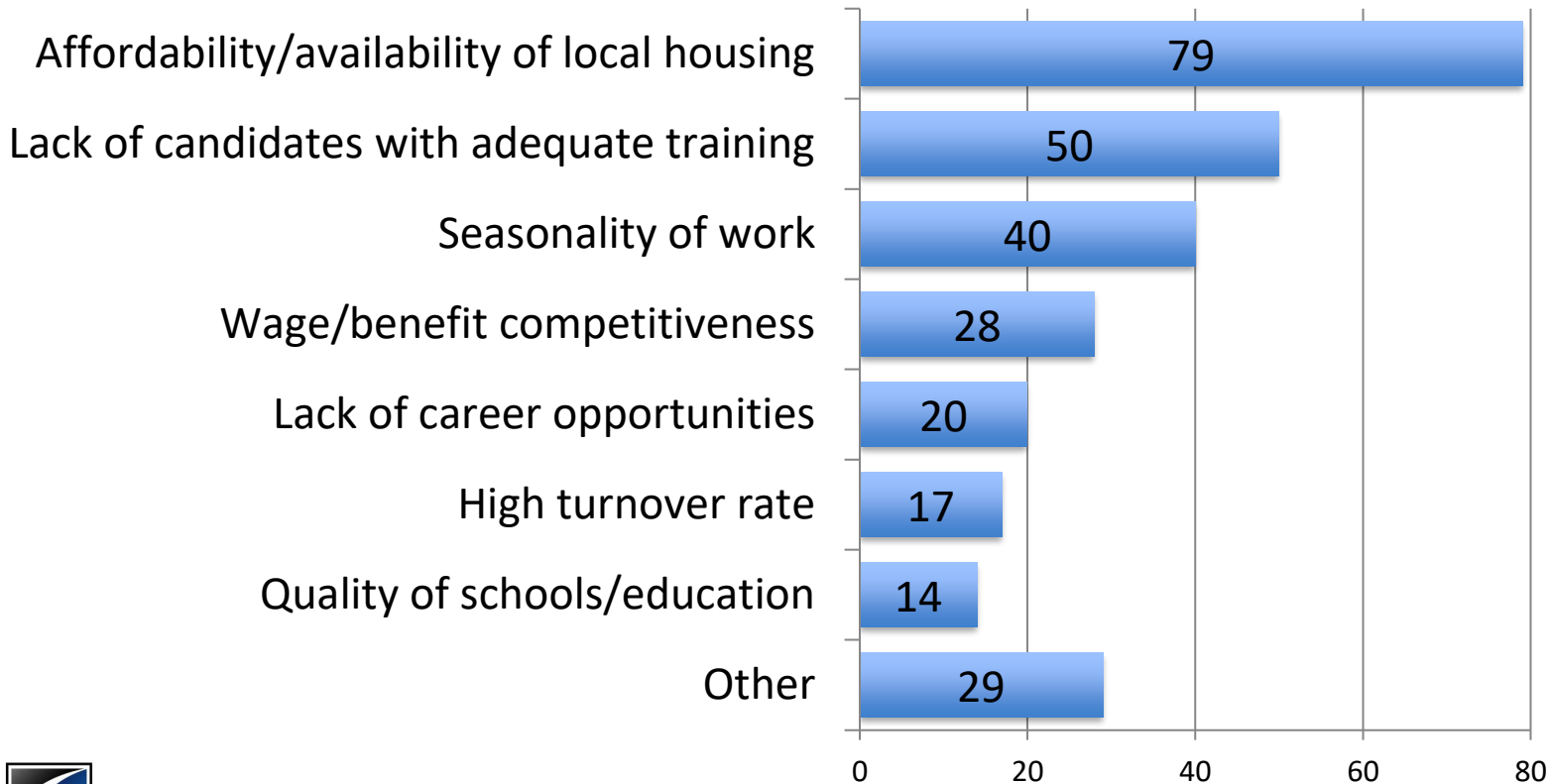
When does your business have difficulty recruiting or retaining employees? (Check all that apply)

(Q.47) **Base: Those who have workforce issues, 61n**



# Workforce Barriers

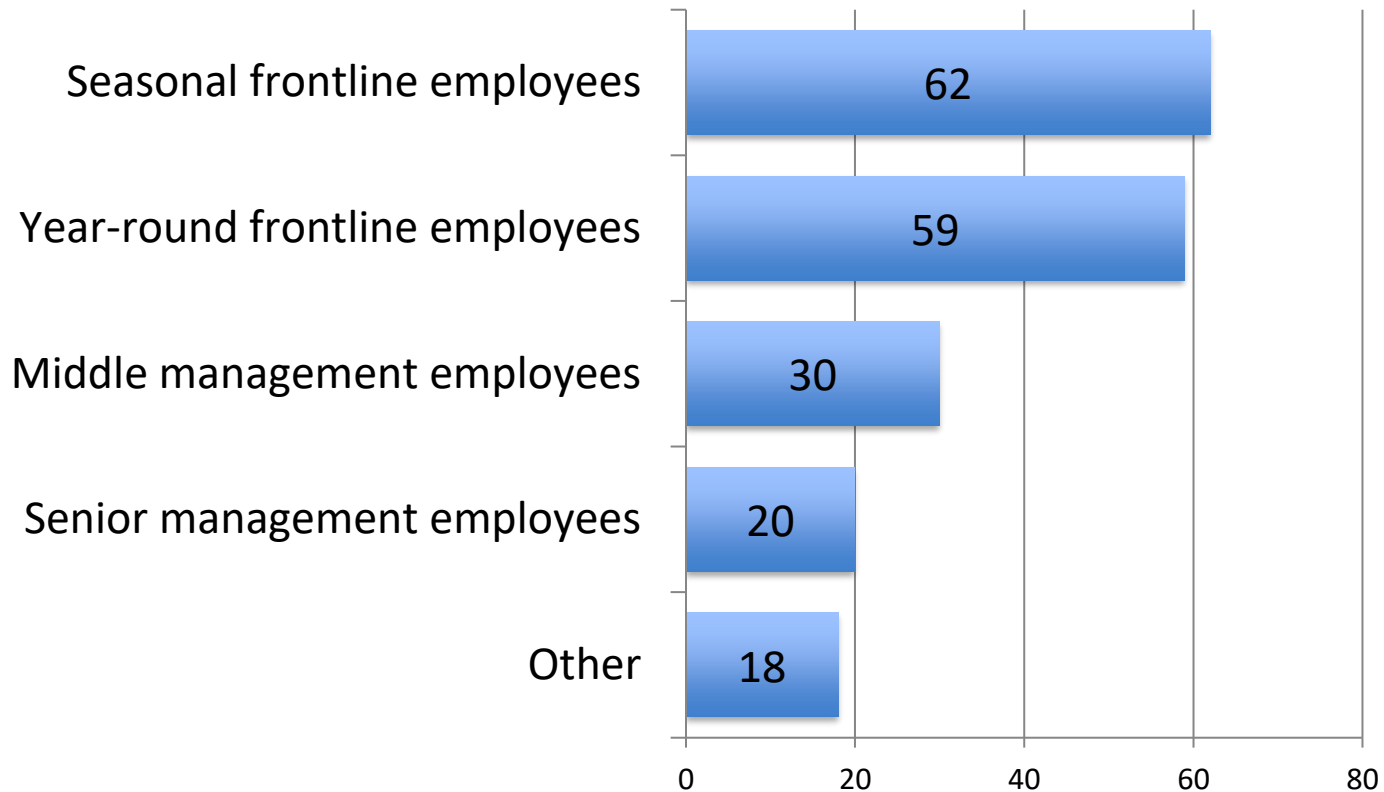
Which of the following are the greatest barriers to maintaining your workforce? (Check all that apply) (Q.48) **Base: 109n**



# Employee Housing Needs

Which type of your employees have the most critical need for housing? (Check all that apply)

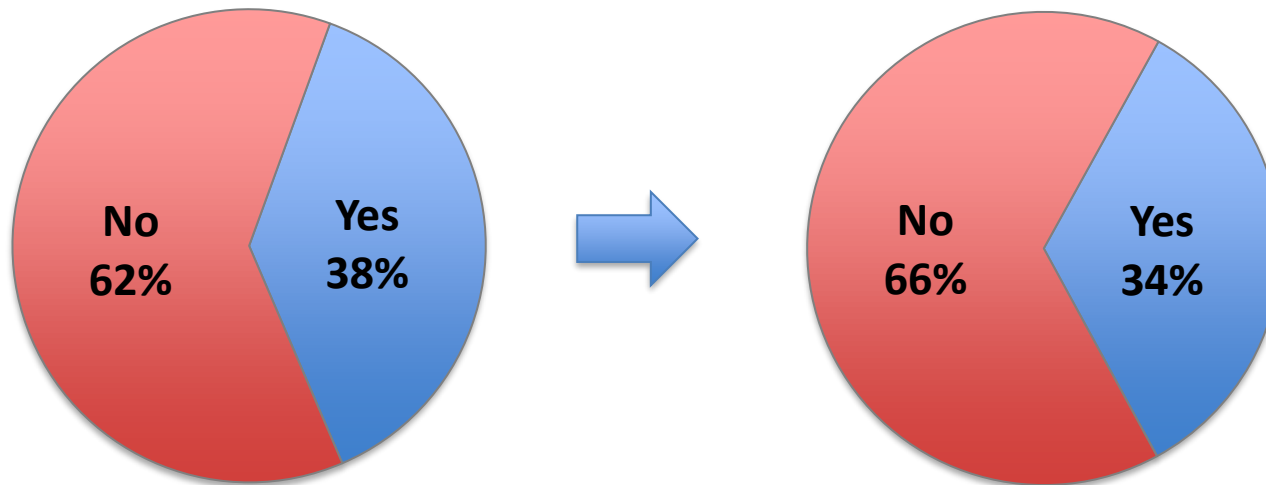
(Q.49) Base: 98n



# Employee Housing

Does your business provide any employee housing? (Q.50) **Base: 121n**

Is the housing your business provides enough for your staff? (Q.51) **Base: Those that provide employee housing, 47n**



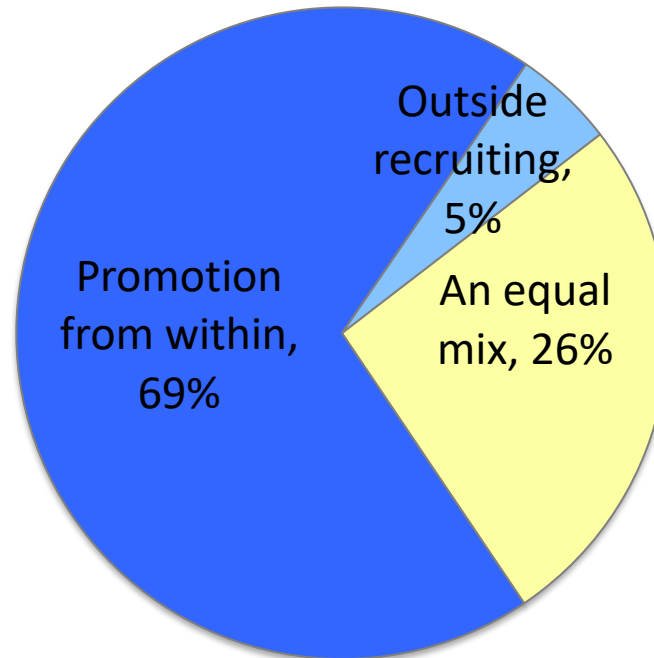
# Training

Which of the following types of training does your business need most? (Check all that apply)  
(Q.52) **Base: 108n**



# Management Roles

How are management roles most often filled in your business? (Q.53) **Base: 80n**





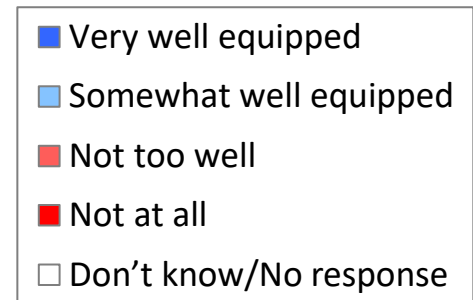
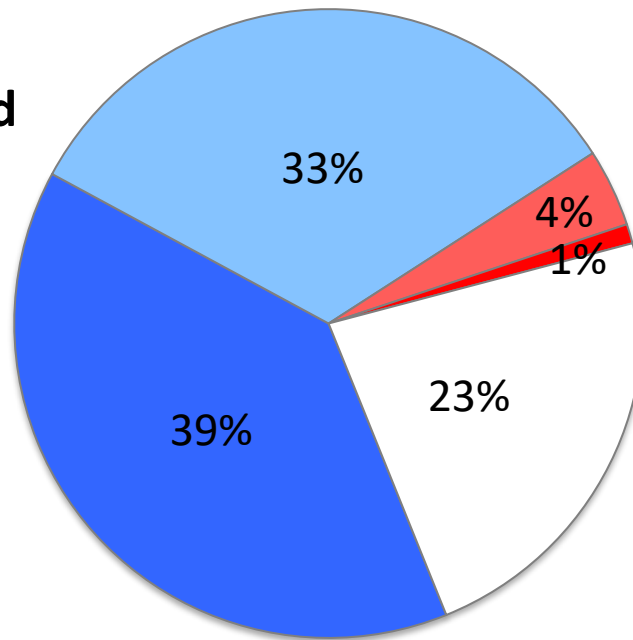
# Management

How well equipped is your management staff with what they need to be successful? (Q.54)

Base: 107n

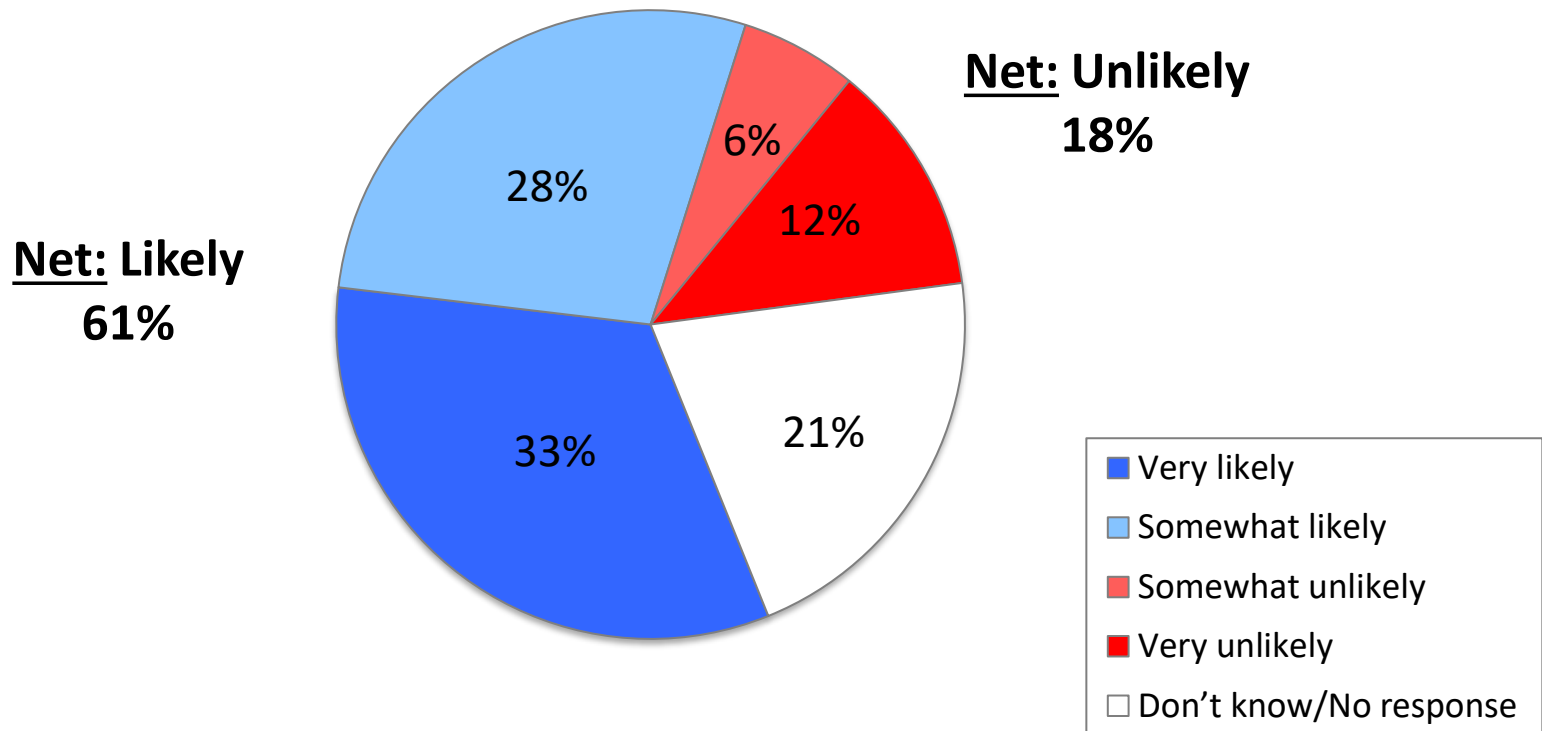
**Net: Well Equipped**  
**72%**

**Net: Not Well Equipped**  
**5%**



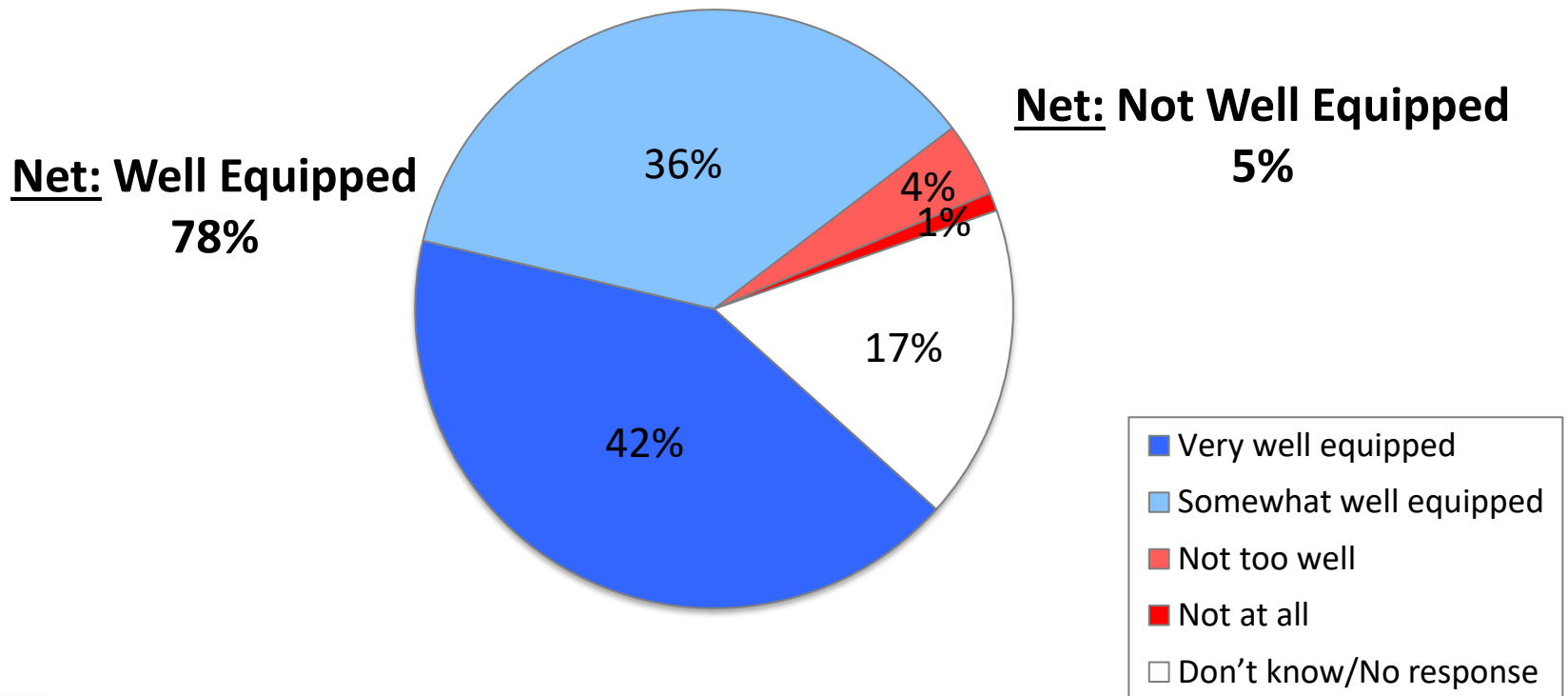
# Local Management Training

If management training or mentoring opportunities were available locally, how likely would your business be to utilize them? (Q.56) **Base: 122n**



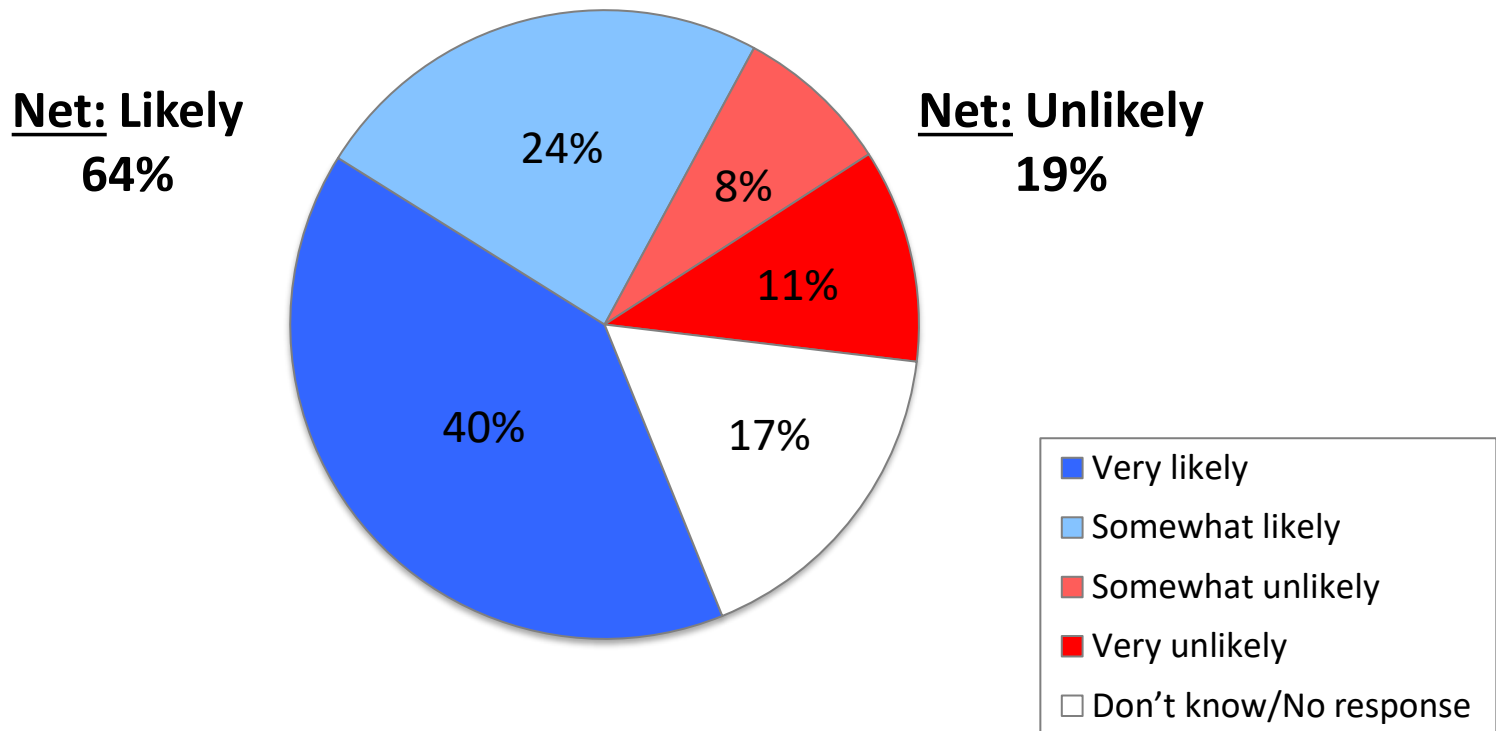
# Frontline/Customer Service

How well equipped is your frontline or customer service staff with the skills they need to be successful? (Q.57) **Base: 121n**



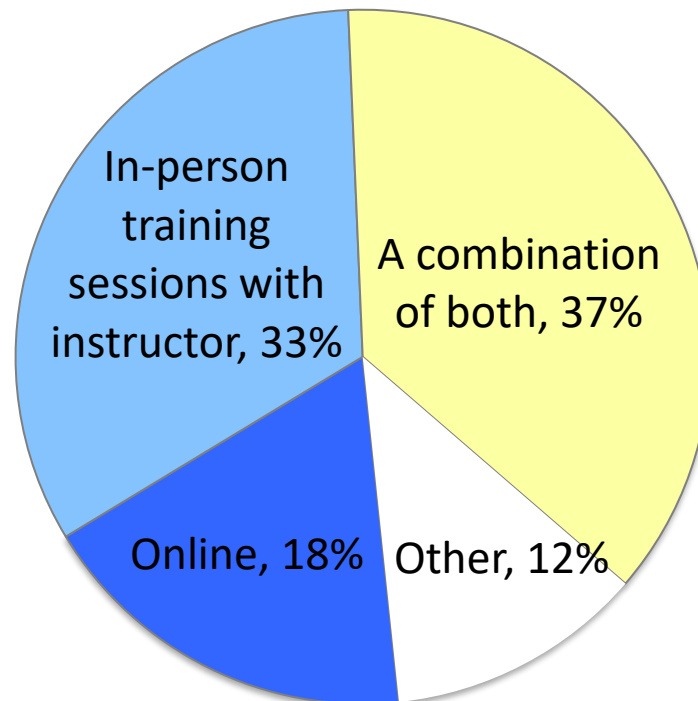
# Local Customer Service Training

If customer service training or mentoring opportunities were available locally, how likely would your business be to utilize them? (Q.58) **Base: 120n**



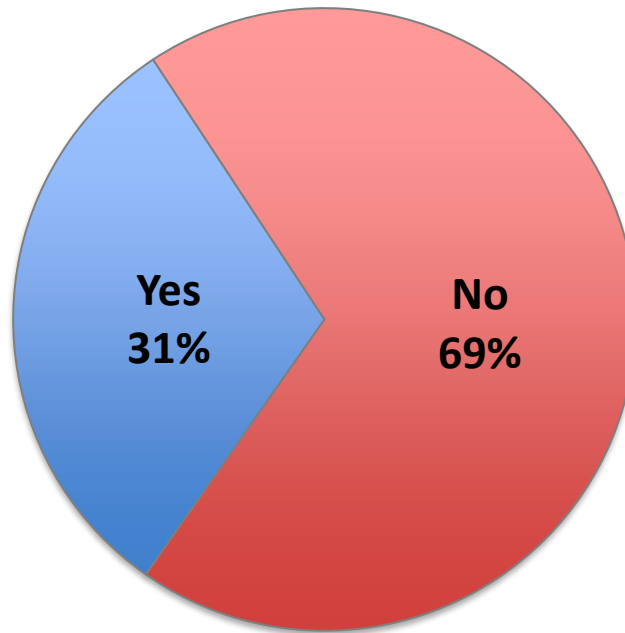
# Training Programs

Which of the following customer service training methods would be most beneficial to your business? (Q.59) **Base: 104n**



# Training Program Awareness

Are you aware of any of Mono County's workforce services or subsidized employment/training programs? (Q.60) **Base: 121n**



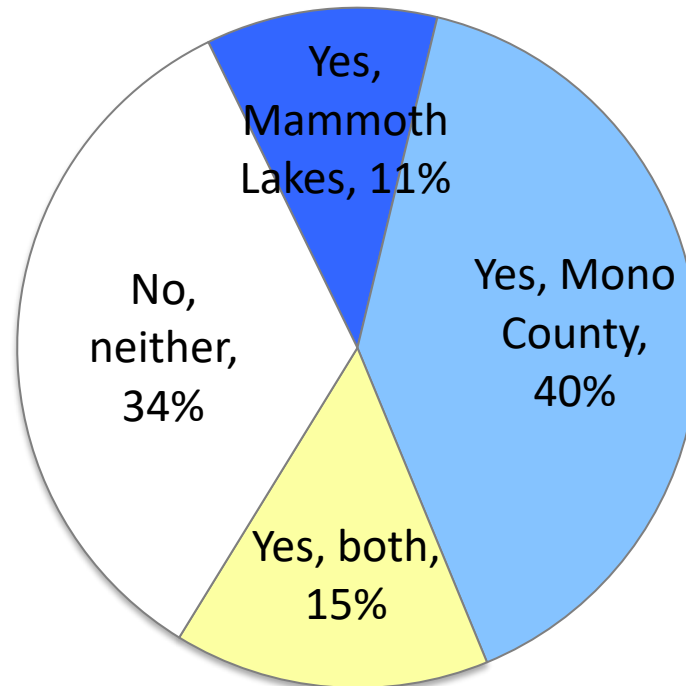
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# Planning Process

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# Contact With Planning Department

Have you contacted (phone, email, in person) the Mammoth Lakes Planning Department or the Mono County Community Development/Planning Department in the past three years regarding your business? (Q.61) **Base: 124n**

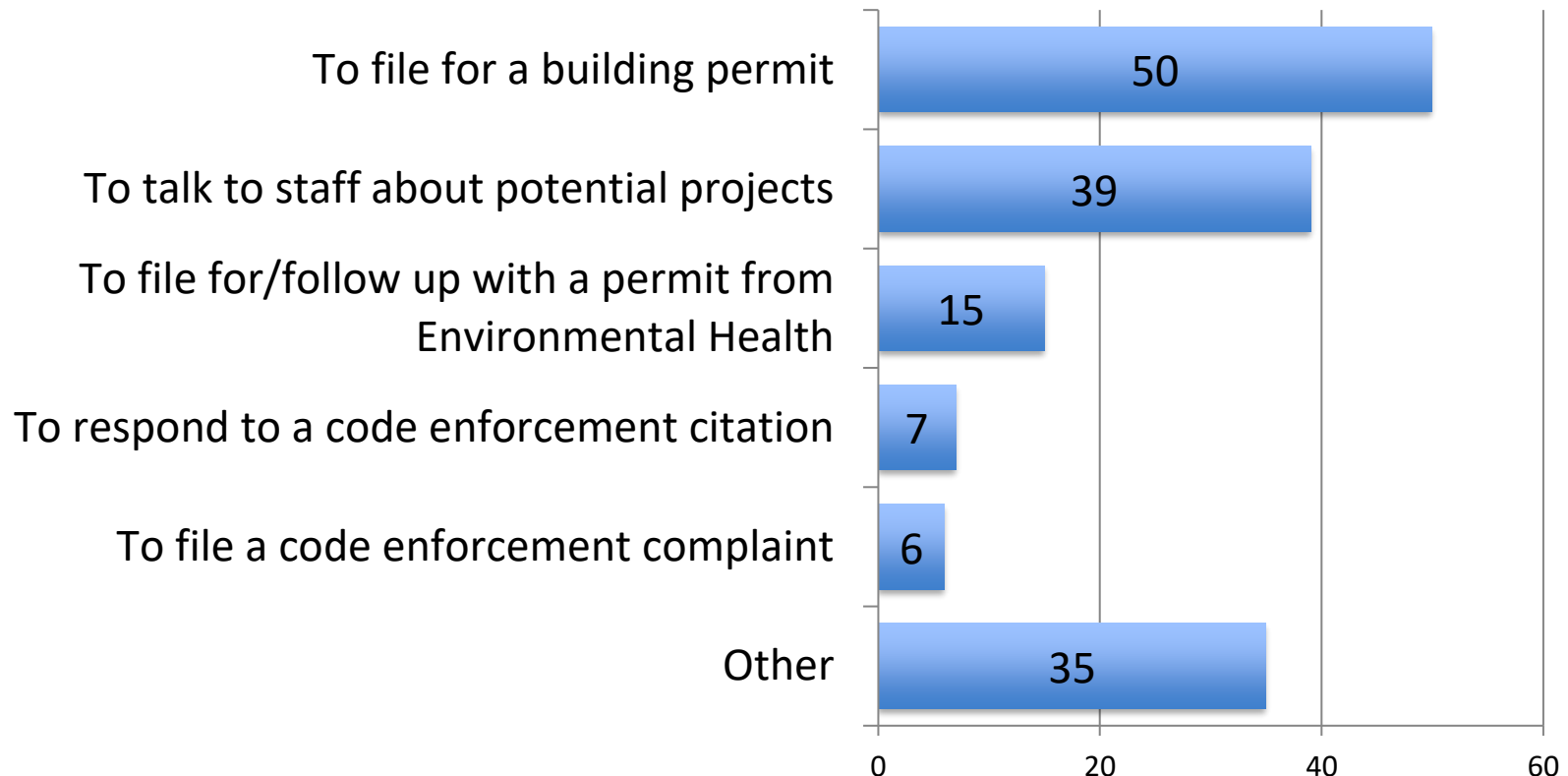


**Net: Yes**  
**66%**



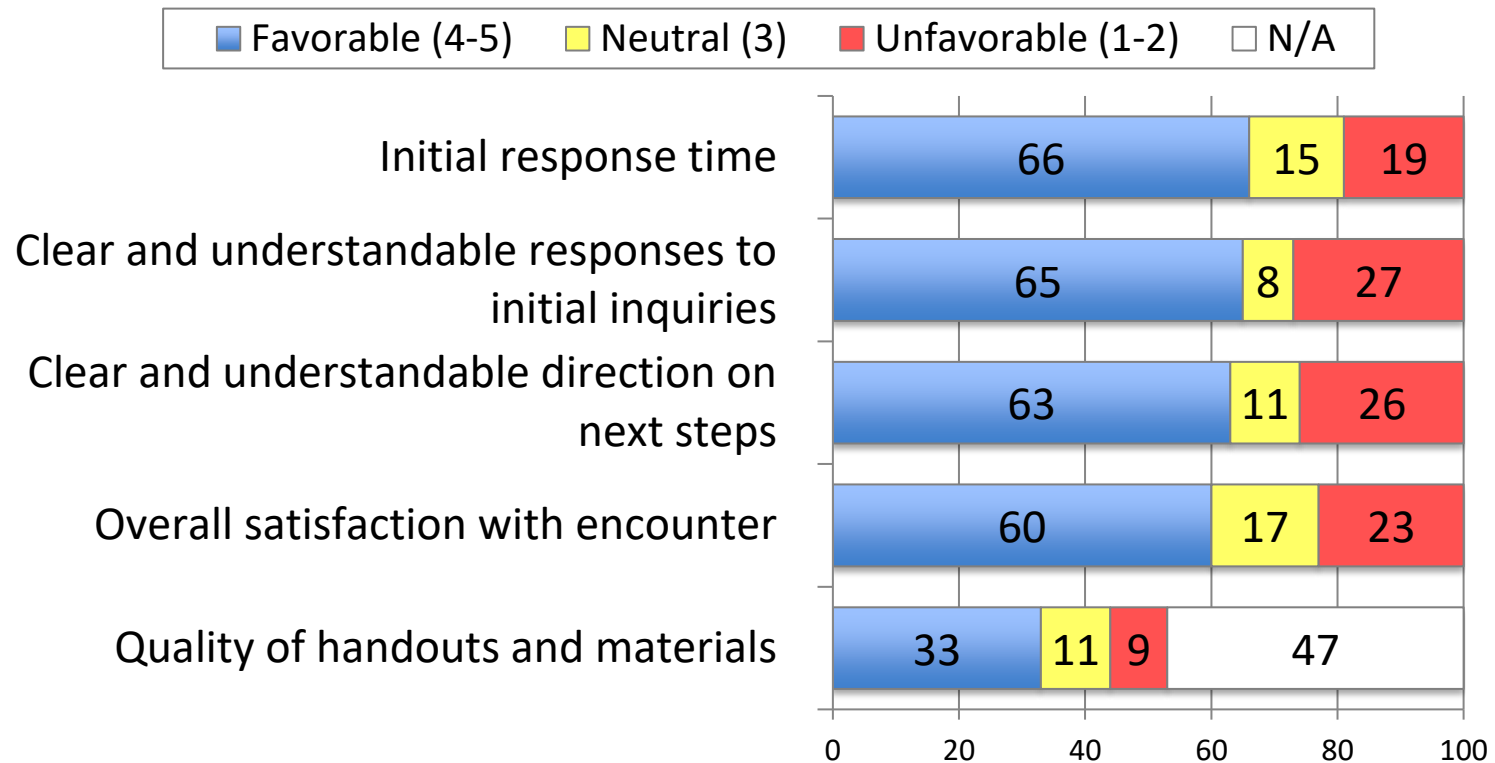
# Reasons For Contacting The Planning Department

Why did you contact the Mono County or Mammoth Lakes planning department? (Check all that apply) (Q.62) **Base: Those who have contacted the planning department, 82n**



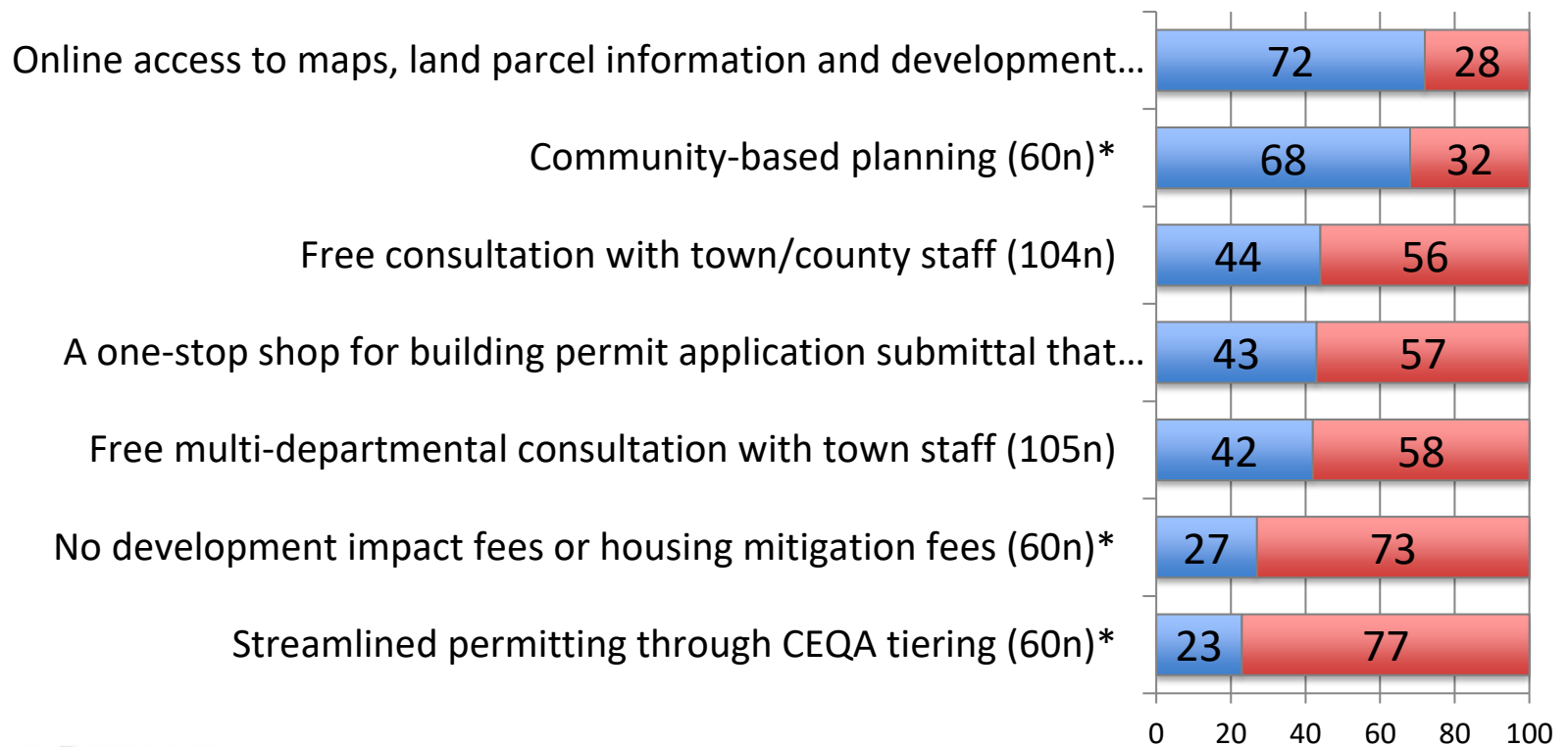
# Planning Department Experience

How would you rate each of the following aspects of the process on a scale of one to five, where a one means very unfavorable and a five means very favorable? (Q.63-67) **Base: 74-76n**



# Community Development Services

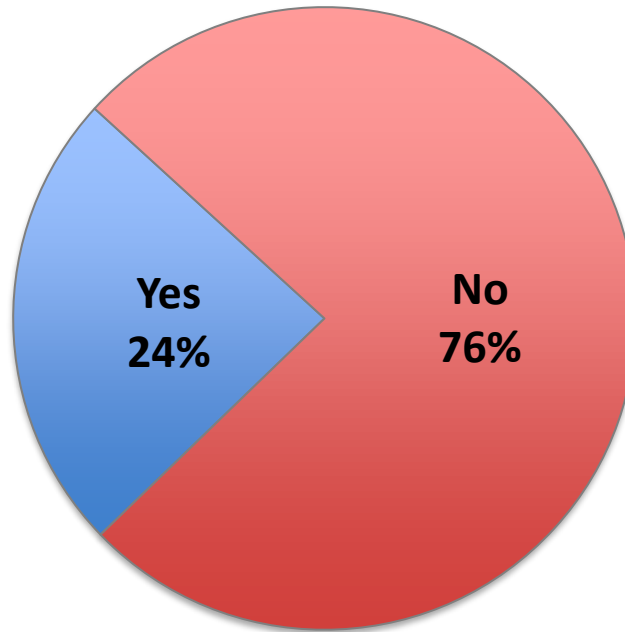
Are you aware that the Mono County and Mammoth Lakes community development departments provide the following services? (Q.68-74)



# Free Consultation

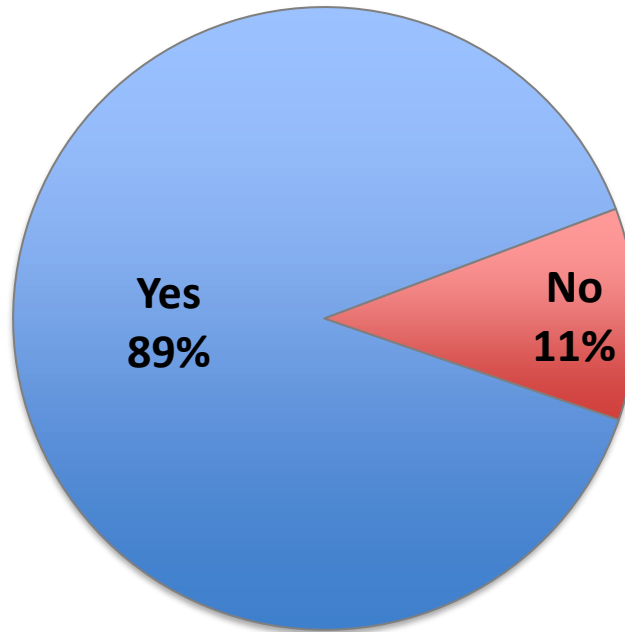
Did you take advantage of the free consultation offered by the planning department? (Q.76)

Base: 105n



# State Regulations

Are you aware that the County is responsible for enforcing many regulations that are set at the state level in areas such as state regulated building codes, health and safety issues, and environmental requirements? (Q.77) **Base: 113n**



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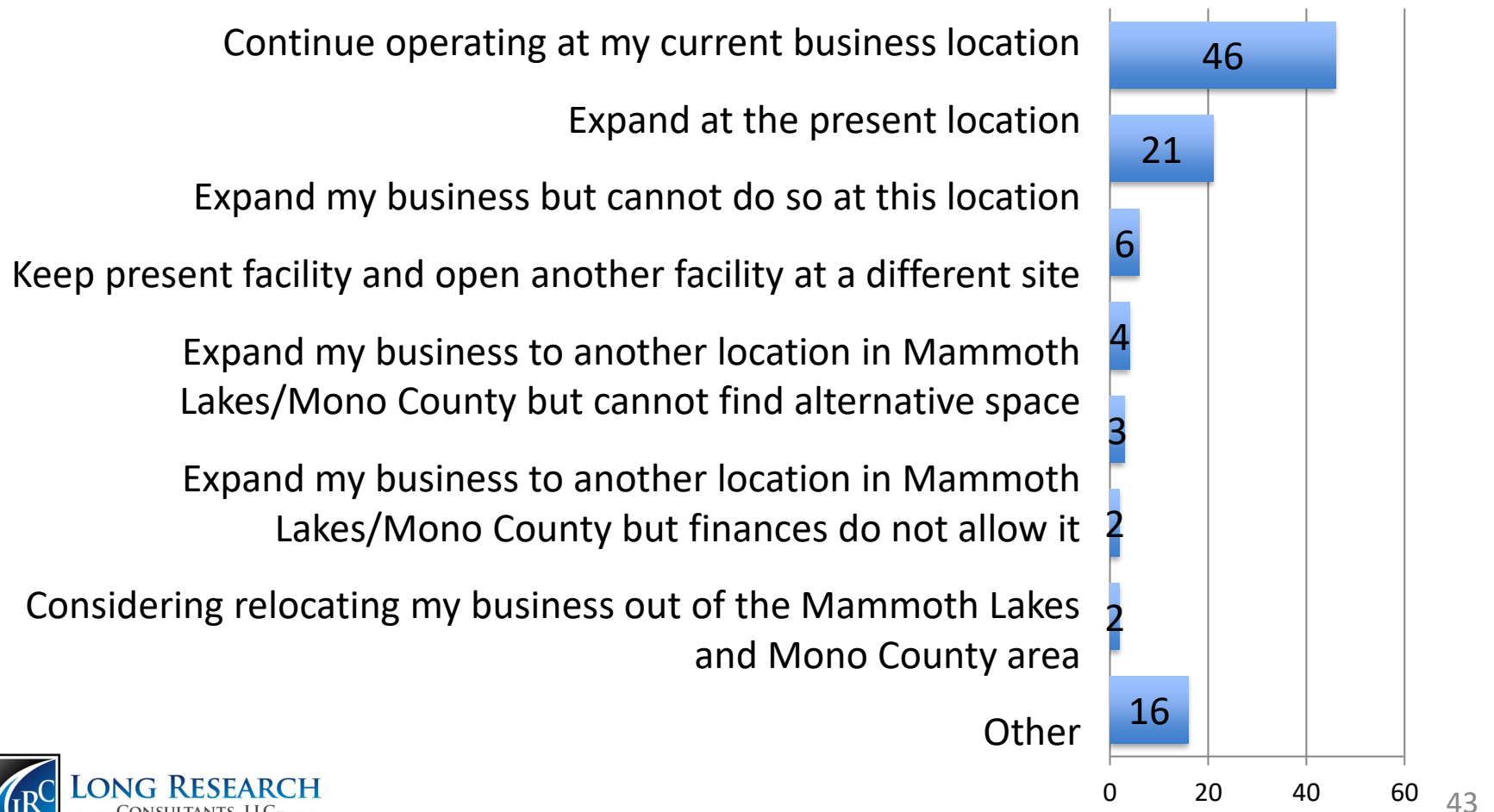
# Community Attributes

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# Future Business Location

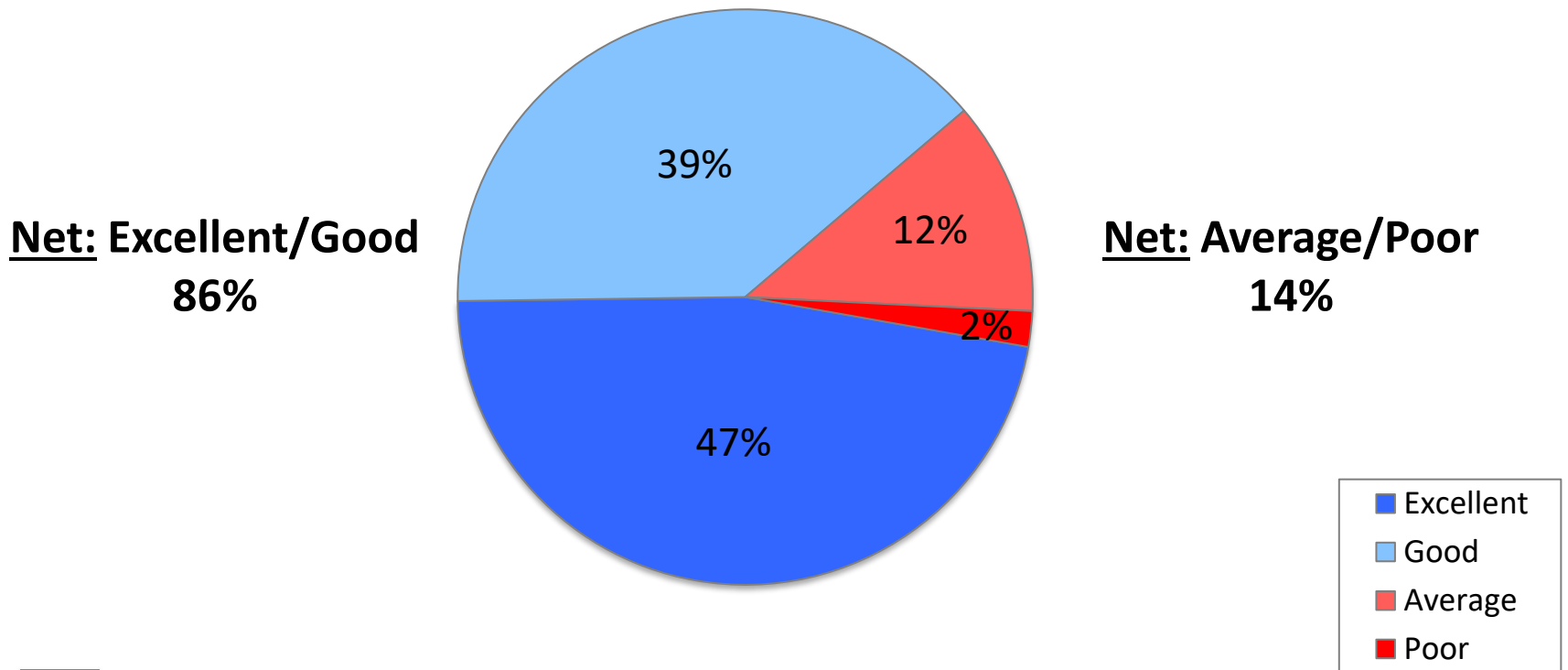
What are your future business location intentions? (Check all that apply) (Q.78) **Base: 121n**



# Mammoth Lake/Mono County Location Rating

How would you rate Mammoth Lakes/Mono County as a location for your business? (Q.80)

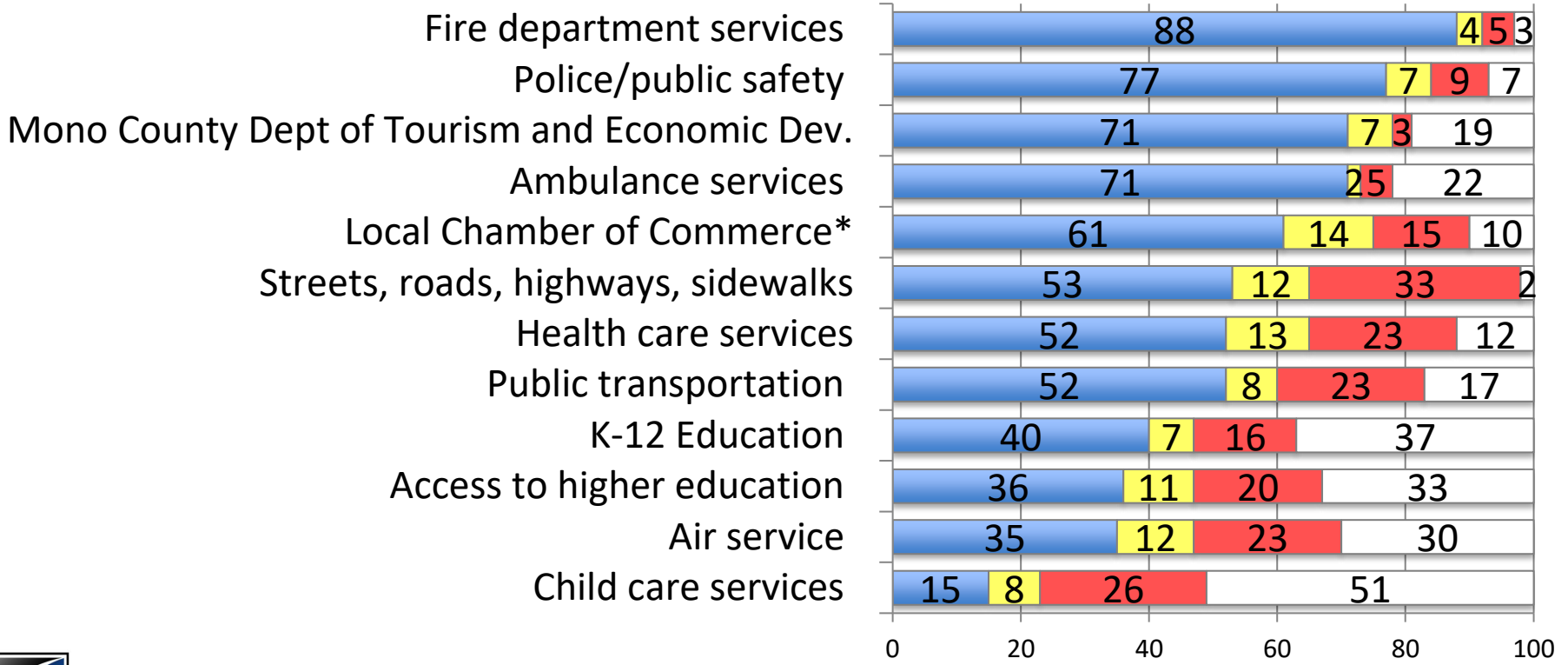
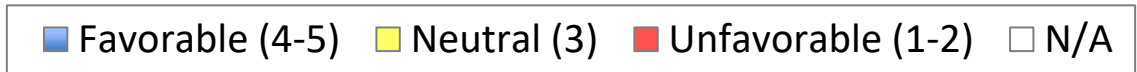
Base: 121n





# Services/Amenities Experience

How have your experiences been with the following community services/amenities from Unfavorable to Favorable. (Q.83-94) **Base: 120-121n**



\*Town of Mammoth businesses rate their chamber 81% positive

# Contact to Assist in Specific Issues

Our local survey team cannot promise to solve all the issues identified today, but we are fully committed to look into them. Would you like to have a local business development professional (from the Mammoth Lakes Chamber, the Town of Mammoth Lakes or Mono County) contact you to assist with any specific issues mentioned today? (Q.98) **Base: 115n**

