



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Teleconference Only - No Physical Location

Regular Meeting April 20, 2021

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. Joining via Zoom

There is no physical location of the meeting open to the public. 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/99172014747>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 991 7201 4747.

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 991 7201 4747.

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

2. Viewing the Live Stream

If you are unable to join the Zoom Webinar of the Board meeting you may still view the live stream of the meeting by visiting http://monocounty.granicus.com/MediaPlayer.php?publish_id=759e238f-a489-40a3-ac0e-a4e4ae90735d

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>.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

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. RECOGNITIONS

A. Proclamations Designating the Month of April 2021 as Child Abuse Prevention and Sexual Assault Awareness Month

Departments: Wild Iris, Mono County Department of Social Services and Child Abuse Prevention Council (CAPC)

5 minutes

(Matthew O'Connor, Michelle Raust, Courtney Powell) - April is nationally recognized as Child Abuse Prevention and Sexual Assault Awareness Month.

Recommended Action: Issue proclamations declaring April 2021 as Child Abuse Prevention (CAP) Month and Sexual Assault Awareness Month (SAAM). Provide any desired direction to staff.

Fiscal Impact: None.

B. Recognition of Dr. Thomas J. Boo, MD

10 minutes

(Robert C. Lawton, CAO) - Proposed resolution recognizing Dr. Thomas J. Boo, MD.

Recommended Action: Approve proposed resolution recognizing Dr. Thomas J. Boo, MD.

Fiscal Impact: None.

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

4. DEPARTMENT/COMMISSION REPORTS

Receive brief oral report on emerging issues and/or activities.

5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Board Minutes - March 16, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on March 16, 2021.

Recommended Action: Approve the Board Minutes from the Regular Meeting on March 16, 2021.

Fiscal Impact: None.

B. Budget Adjustment for the Grand Jury Budget Unit

Departments: Finance

The Mono County Board of Supervisors adopted a budget for the Grand Jury for fiscal year 2020-2021 that included \$10,000 in expenditures. On March 11, 2021, Finance received a request for a budget increase from the Superior Court of California - Mono County and expenditures to date indicate insufficient remaining appropriations for the Grand Jury to complete its duties. The budget request was not received in time for the mid-year budget adjustment, so this request to use contingency funds is being addressed independently.

Recommended Action: Approve use of contingency for Grand Jury in amount of \$2,500 (requires 4/5th approval).

Fiscal Impact: Use of contingency funds will leave a contingency balance for the remainder of the fiscal year of \$318,550.

C. Community Development Block Grant 2021 Application

Departments: Finance

As per the public hearing held on April 13, 2021 Mono County intends to submit an application in response to the 2020 Community Development Block Grant Notice of Funding Availability for Homeownership assistance.

Recommended Action: Adopt Resolution R21-___ approving the submission of an application for the Community Development Block Grant 2021 Notice of Funding Availability.

Fiscal Impact: None.

D. Allocation List Amendment - Behavioral Health

Departments: Behavioral Health

Proposed resolution Authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Remove One 1.0 FTE Director of Clinical Services and Add Two 1.0 FTE Staff Services Analyst IIs. This amendment will increase Mono County Behavioral Health's capacity to meet

compliance-related requirements and expand wellness center activities throughout the County.

Recommended Action: Adopt proposed resolution. Provide any desired direction to staff.

Fiscal Impact: The annual cost (salary and benefits) of the two added positions is a combined \$199,526 to \$231,315, depending on the salary for the qualified candidates and the level of benefits. The cost included in the FY 2020-21 budget for the removed position is \$175,238. The Department has sufficient budget savings to fund these changes in the current budget. These positions will also be included in the FY 21-22 budget.

E. Women Infants and Children (WIC) Program Contract Amendment #19-10162, A01

Departments: Public Health

Proposed Standard Agreement Amendment with California Department of Public Health (CDPH) Women, Infants, and Children (WIC) Program pertaining to Contract #19-10162, A01.

Recommended Action: Approve County entry into proposed contract amendment and authorize Board Chair to execute said contract on behalf of the County by signing the following: one (1) copy of Standard Agreement Amendment (STD 213A).

Fiscal Impact: The amended agreement increases program related revenues by \$14,992 and shifts funds from year one of the agreement into years two and three.

6. CORRESPONDENCE RECEIVED

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

A. Letter from Southern California Edison re: the Mill Creek and Wilson System

A letter from Southern California Edison in response to the letter sent by the Board of Supervisors on November 3, 2020 regarding the management of flows in Mill Creek and the Wilson system in Mono County.

B. Federal Energy Regulatory Commission (FERC) Letters re: Dams Part of the Lee Vining Creek Project, FERC Project No. 1388-CA

Federal Energy Regulatory Commission (FERC) letters regarding the following: (1) Completing of Poole Powerhouse Flowline Repair; (2) 2021 DSSMP/2020 DSSMR Submittal for Rhinedollar Dam, Saddlebag Dam, Tioga Lake Dam.

C. USDA Forest Service Long Valley Exploration Drilling Project Update

The Mammoth Ranger District of the Inyo National Forest is initiating the analysis process for the proposed Long Valley Exploration Drilling Project proposed by Kore USA Ltd. (Kore Mining). The Long Valley Mineral Exploration Project would include drilling exploratory bore holes to investigate mineral potential on the mining claim, and subsequent reclamation.

D. Letter from Sierra Club Range of Light Group re: Long Valley Exploration Drilling Project

A letter from the Executive Committee of the Sierra Club Range of Light Group requesting the Mono County Board of Supervisors comment on the Long Valley Exploratory Drilling Project.

E. Letter from Friends of the Inyo re: Long Valley Exploration Drilling Project

A letter from Wendy Schneider, Executive Director of Friends of the Inyo, requesting the Mono County Board of Supervisors comment on the Long Valley Exploratory Drilling Project.

7. REGULAR AGENDA - MORNING

A. COVID-19 (Coronavirus) Update

1 hour

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Recommended Action: None, informational only.

Fiscal Impact: None.

B. Mountain View Fire Update

Departments: Mountain View Fire Emergency Operations Center
10 minutes

(Justin Nalder, EOC Director) - Update on the Mountain View Fire in Walker, California.

Recommended Action: Receive update from Incident Command for the Mountain View Fire and involved staff regarding impacts of the fire, recovery efforts, County response, debris removal and related topics. Provide any desired direction to staff.

Fiscal Impact: No impact from this update.

C. Airport Road/Hot Creek Road Project - Start Date, Duration, Traffic Control

Departments: Public Works Engineering

5 minutes

(Chad Senior, Associate Engineer) - This item is a brief oral update on the Airport Road project to provide public information on the project start date, duration, and expected traffic delays. Parties interested in potential delays along Airport Road (serving the Mammoth Yosemite Airport) and Hot Creek Road should view this item, and/or visit the County Project web page at:

<https://monocounty.ca.gov/engineering/page/projects-notices-1>

Recommended Action: None, informational only.

Fiscal Impact: None.

D. Letter to Los Angeles Department of Water and Power and U.S. Fish and Wildlife Service Regarding Long Valley Adaptive Management Plan for Bi-State Sage Grouse

Departments: County Counsel

10 minutes

(Stacey Simon, County Counsel) - Letter to the Los Angeles Department of Water and Power (LADWP) and U.S. Fish and Wildlife Service (USFWS) regarding LADWP's Long Valley Adaptive Management Plan for Bi-State Sage-Grouse.

Recommended Action: Approve and authorize the Chair to sign proposed letter as drafted or with revisions as directed by the Board.

Fiscal Impact: None.

E. Amending Mono County Code Title 9 - Animals

Departments: CAO

20 minutes

(John Craig, Assistant CAO, Malinda Huggins, Animal Control Coordinator) - Proposed Ordinance Amending Mono County Code Title 9 to Change the Name of the Mono County Department of Animal Control to the Mono County Department of Animal Services and Change the Method by which Dogs are Licensed.

Recommended Action: Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

Fiscal Impact: Once enacted, the revised ordinance alters cash flow for the Department but does not affect the amount of revenues.

8. 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.

9. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Dave Wilbrecht, and Anne Frievalt. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO). Unrepresented employees: All.

B. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

C. Closed Session - Initiation of Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. 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.

11. REGULAR AGENDA - AFTERNOON

A. PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3

Departments: Community Development

PUBLIC HEARING: 1:00 PM (4 hours)

(Wendy Sugimura, Gerry LeFrancois) - Public hearing regarding Tioga Inn Specific Plan Amendment to amend the 1993 Tioga Inn Specific Plan (1993 Specific Plan and EIR) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, -025, -026 & -027).

The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with 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. The 1993 approvals, which include a two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

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 Alternative #7-Hybrid Plan (“Preferred Alternative”) (Attachment 1).

Option 1: Approve the Project and Preferred Alternative #7 or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission as revised, or with further modifications; and 2) making the required findings and approving the Project (Preferred Alternative #7) as presented or with further modifications. Direct staff to file a Notice of Determination pursuant to the California Environmental Quality Act.

Option 2 – Deny the Project.

Determine that the unavoidable environmental impacts and risks identified in the Final Subsequent Environmental Impact Report (FSEIR) for the project are not outweighed by the economic, legal, social, technological, or other benefits of the project and deny the project. Additionally, the Board may determine that one or more of the Specific Plan findings in the proposed Resolution cannot be made.

Option 3 – Continue the Public Hearing.

Set a new date and time for a continued public hearing and provide specific direction to staff about actions to take prior to the Board considering the project. Based on currently known Board meeting capacity, the recommendation is for May 11 or May 18 at 1:00 pm.

Fiscal Impact: Project approval would result in increased taxes (property, sales, TOT).

12. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

ADJOURN



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Wild Iris, Mono County Department of Social Services and Child Abuse Prevention Council (CAPC)

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD

Matthew O'Connor, Michelle Raust, Courtney Powell

SUBJECT Proclamations Designating the Month of April 2021 as Child Abuse Prevention and Sexual Assault Awareness Month

AGENDA DESCRIPTION:

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

April is nationally recognized as Child Abuse Prevention and Sexual Assault Awareness Month.

RECOMMENDED ACTION:

Issue proclamations declaring April 2021 as Child Abuse Prevention (CAP) Month and Sexual Assault Awareness Month (SAAM). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Michelle Raust

PHONE/EMAIL: 769-924-1758 / mraust@mono.ca.gov

SEND COPIES TO:

Michelle Raust

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Proclamation April 2021 Child Abuse Prevention Month
Proclamation April 2021 Sexual Assault Prevention Month

History

Time	Who	Approval
4/12/2021 4:03 PM	County Counsel	Yes
4/6/2021 10:08 AM	Finance	Yes
4/16/2021 1:45 PM	County Administrative Office	Yes



APRIL 2021 CHILD ABUSE PREVENTION MONTH PROCLAMATION

WHEREAS, Child Abuse Prevention Month calls attention to children, who are our most vulnerable community members, and who are the most vital to our community's future; and

WHEREAS, early childhood trauma has a lifelong impact on physical and mental health, including healthy brain development; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, child abuse and neglect can be prevented in Mono County through partnerships between community members, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, all children deserve to have safe, stable, nurturing homes and communities that foster healthy growth and development; and

WHEREAS, the Child Abuse Prevention Council (CAPC) requests public support as they continue efforts to bring real hope for ending child abuse in Mono County; and

NOW, THEREFORE, the Mono County Board of Supervisors proclaims April 2021 as Child Abuse Prevention Month in Mono County and recognizes the important work done by the Mono County CAPC and all human service providers in Mono County.

APPROVED AND ADOPTED this 20th day of April, 2021, by the Mono County Board of Supervisors.

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Stacy Corless, Supervisor District #5



APRIL 2021 SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION

WHEREAS, Sexual Assault Awareness Month calls attention to the fact that sexual violence harms our community, and to raise public awareness about sexual violence to encourage prevention; and

WHEREAS, survivors of sexual assault embody incredible strength and resiliency, and should have access to medical care, legal services, counseling, and services to heal and recover from their abuse; and

WHEREAS, child survivors of sexual assault can experience long-term consequences including difficulty at school, substance abuse, and serious physical and mental health problems as adults; and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience sexual assault; and

WHEREAS, we must work together to educate our community about sexual violence prevention; and

WHEREAS, prevention is possible through education, awareness and community involvement to promote safety, respect, and equality; and

WHEREAS, individuals can embrace their voices to show support for survivors, stand up to victim blaming, promote everyday consent, and practice healthy communication with children; and

WHEREAS, we join together with advocates and communities across the country in taking action to prevent sexual violence; and

NOW, THEREFORE, the Mono County Board of Supervisors proclaims April 2021 as Sexual Assault Awareness Month in Mono County.

APPROVED AND ADOPTED this 20th day of April, 2021, by the Mono County Board of Supervisors.

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Stacy Corless, Supervisor District #5



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED 10 minutes

SUBJECT Recognition of Dr. Thomas J. Boo,
MD

**PERSONS
APPEARING
BEFORE THE
BOARD** Robert C. Lawton, CAO

AGENDA DESCRIPTION:

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

Proposed resolution recognizing Dr. Thomas J. Boo, MD.

RECOMMENDED ACTION:

Approve proposed resolution recognizing Dr. Thomas J. Boo, MD.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton

PHONE/EMAIL: 760-932-5415 / rlawton@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Resolution Recognizing Dr. Tom Boo](#)

History

Time	Who	Approval
4/16/2021 1:17 PM	County Counsel	Yes
4/16/2021 10:28 AM	Finance	Yes
4/16/2021 1:50 PM	County Administrative Office	Yes



**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
RECOGNIZING DR. THOMAS J. BOO, MD**

WHEREAS, Thomas J. Boo, MD has served Eastern Sierra families and communities since 1997, both as a physician and a leader in non-profit organizations, including the Toiyabe Indian Health Project, Northern Inyo Hospital, Hospice of the Owens Valley, Eastern Sierra Wildlife Care, Friends of the Inyo and the Starlite Community Service District; and

WHEREAS, Dr. Tom Boo joined Mono County as Public Health Officer in February 2018, following distinguished domestic and overseas service with the Centers for Disease Control in addition to his post-doctoral training in applied epidemiology and work with regional hospitals; and

WHEREAS, the most recent year of Dr. Boo's service as Mono County Public Health Officer took place during the worldwide COVID-19 (Coronavirus) pandemic which turned a part-time job into a full-time professional and personal commitment, calling upon every element of Dr. Boo's experience and training, and presenting challenges unforeseen by anyone in his role; and

WHEREAS, throughout Dr. Boo's public health service to Mono County's residents and visitors, he has continued providing direct care to individual patients who have relied on his family practice skills; and

WHEREAS, given Mono County's progress in mitigating the spread of COVID-19, combined with an opportunity for Dr. Boo to continue supporting our communities through an engagement with the California Department of Public Health and greater focus on his local patients, not to mention heeding the mountains' call.

NOW, THEREFORE, BE IT RESOLVED, that the Mono County Board of Supervisors and the Mono County Department of Public Health recognize and extend a most sincere "THANK YOU" in appreciation for Dr. Boo's years of dedicated service to public health and wish him a happy and healthy retirement.

APPROVED AND ADOPTED this 20th day of April, 2021, by the Mono County Board of Supervisors.

Jennifer Kreitz, Supervisor District #1

Rhonda Duggan, Supervisor District #2

Bob Gardner, Supervisor District #3

John Peters, Supervisor District #4

Stacy Corless, Supervisor District #5



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes - March 16, 2021

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Approval of the Board Minutes from the Regular Meeting on March 16, 2021.

RECOMMENDED ACTION:

Approve the Board Minutes from the Regular Meeting on March 16, 2021.

FISCAL IMPACT:

None.

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[DRAFT Minutes](#)

History

Time	Who	Approval
4/15/2021 12:25 PM	County Counsel	Yes
4/15/2021 3:06 PM	Finance	Yes
4/16/2021 1:44 PM	County Administrative Office	Yes



**DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

Regular Meetings: First, Second, and Third Tuesday of each month. Location of meeting is specified below.
Teleconference Only - No Physical Location

**Regular Meeting
March 16, 2021**

Backup Recording	Zoom
Minute Orders	M21-61 – M21-71
Resolutions	R21-19 – R21-20
Ordinance	ORD21-02

9:01 AM Meeting Called to Order by Chair Kreitz.

Supervisors Present: Corless, Duggan, Gardner, Kreitz, and Peters (all attended via teleconference).

Supervisors Absent: None.

The Mono County Board of Supervisors stream most of their meetings live on the internet and archives them afterward. To search for a meeting from June 2, 2015 forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>.

Pledge of Allegiance led by Supervisor Gardner.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Gary Nelson:

- Concerns regarding speeding vehicles in Lee Vining

2. RECOGNITIONS

A. Red Cross Month Proclamation and Good Neighbor Partnership Awardee

Departments: Social Services

(Kathy Peterson and Cathy Young, Social Services; Eddie Zamora, Executive Director, American Red Cross Kern County and Eastern Sierra Chapter) - American Red Cross (ARC) Central California Region requests the Board of Supervisors proclaim March as Red Cross Month. In

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

addition, ARC representatives will honor Topaz Lodge with the 2020 Good Neighbor Partnership Award for their outstanding sheltering collaboration on the Mountain View Fire.

Action: Issue a proclamation declaring March as Red Cross Month and join Red Cross in honoring Topaz Lodge as the 2020 Good Neighbor Partnership awardee.

Corless motion; Peters seconded.

Vote: 5 yes, 0 no

M21-61

Kathy Peterson, Social Services Director:

- Introduced item

Eddie Zamora, Executive Director, American Red Cross Kern County and Eastern Sierra Chapter:

- Provided background on Red Cross Month

Megin Hughes, Disaster Program Manager:

- Presented 2020 Good Neighbor Partnership Award to Topaz Lodge
- Recognized Cathy Young and Kathy Peterson of Social Services for all their work

Rich Jorges, Topaz Lodge General Manager:

- Thanked everyone for the recognition and will continue to support the community in the future

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Bob Lawton, CAO:

- Met with Robert Bendorf, former CAO of Yuba County, regarding strategic planning services
- Weekly budget development meeting
- Met with Assistant County Counsel Christy Milovich regarding redistricting – will come back to the Board with a more detailed presentation
- Business roundtable with Mammoth Lakes business community
- Joint meeting with California Department of Health Care Services, Inyo County, Inland Empire Health Plan
- Housing Coordinator position update
- Mountain View Fire EOC Briefing, Workplace Wellbeing Committee, Mountain View Fire Community Workshop #6

4. DEPARTMENT/COMMISSION REPORTS

Kathy Peterson, Social Services Director:

- Public Charge Rule
- Golden State Grant – will provide one-time \$600 payment to all eligible CalWORKS families
- Golden State Stimulus – will provide one-time \$600 payment to eligible households
- Housing is Key website: <https://housing.ca.gov/>

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Stacey Simon, County Counsel:

- Received full court ruling in the Mono County vs. City of Los Angeles (Long Valley water case)
- As a Director for the County Counsel's Association, have rotated in to be legal counsel for PRISM (formerly CSAC Excess Insurance Authority)
- Urgency item

Urgency Item Addition to Agenda – Memorandum of Understanding with the State for Receipt and Distribution of Vaccines: The Board determined that there is a need to take immediate action with respect to the proposed agenda item, that the need for action came to the County's attention subsequent to the agenda being posted and therefore, that the Board add the item to the agenda.

Authority: Govt. Code §54954.2(b)(2). Note that urgency items may only be added to the agendas of regular meetings, not special meetings.

Peters motion. Gardner seconded.

Vote: 5 yes, 0 no

M21-62

Urgency Item Action: Approve and authorize the Board Chair to sign Memorandum of Understanding between California Government Operations Agency and the County of Mono.

Peters motion. Gardner seconded.

Vote: 5 yes, 0 no

M21-63

Stacey Simon, County Counsel:

- Provided background on MOU

5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Board Minutes - February 2, 2021

Departments: Clerk of the Board

Approval of the Board Minutes from the Regular Meeting on February 2, 2021.

Action: Approve the Board Minutes from the Regular Meeting on February 2, 2021.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-64

B. Appointment to First 5 Mono County Children and Families Commission

Departments: First 5

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Request for Board of Supervisors to appoint Janice Mendez to the First 5 Mono County Children and Families Commission.

Action: Appoint Janice Mendez to the Mono County Children and Families Commission to serve a three-year term commencing March 16, 2021 and expiring March 15, 2024.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-65

C. Fiscal Year 2021 USGS Joint Funding Agreement

Departments: Community Development

Agreements with United States Geological Survey (USGS) and Ormat Nevada, Inc. (Ormat) for FY 2021 Funding of Long Valley Hydrologic Monitoring Program.

Action: Authorize the Mono County Community Development Director to execute (1) the USGS Joint Funding Agreement NO. 21ZGJFA60095610 and (2) Agreement Between the County of Mono and Ormat Nevada, Inc. to fund the Long Valley hydrologic monitoring program for FY 2021.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-66

D. Emergency Guardrail Replacement – Project Completion

Departments: Public Works - Roads

Completion of the Emergency Guardrail replacement project on Eastside Lane and North River Lane.

Action: Find that the emergency work to replace guardrails on Eastside and North River Lanes, which were damaged in the Mountain View Fire, has been completed and action is no longer needed.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-67

E. Virginia Lakes Road Maintenance Project

Departments: Public Works

The project consists of asphalt maintenance by application of slurry seal, paint re striping and sign replacement on Virginia Lakes Road

Action:

- 1) Approve bid package and authorize the Public Works Department to advertise the project for bids.
- 2) Authorize the Public Works Director to execute a contract, in form approved by County Counsel, with the lowest responsive and responsible bidder in an amount equal or less than the Engineer's Estimate, plus 10 percent contingency.

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

3) Authorize the Public Works Director to reject all bids if no bid is received that is less than the Engineer's Estimate, plus 10 percent contingency.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-68

F. Resolution in Support of AB 779 re: Changes to Personnel Classification

Departments: Sheriff

Proposed Resolution R21-19 in Support of AB 779. The Mono County Sheriff's Office is working with Assembly Member Frank Bigelow on Assembly Bill 779, which will add the Counties of Del Norte, Madera, Mono, and San Mateo to the list of counties noted in 830.1(c) of the Penal Code. Penal Code 830.1(c) authorizes peace officer status to correctional officers of specified counties while on-duty and engaged in the performance of their duties, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

Action: Approve Board of Supervisors Resolution R21-19, in support of AB 779, further acknowledging that Mono County is requesting legislative authority to implement the changes to personnel classification.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

R21-19

6. CORRESPONDENCE RECEIVED

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

The Board acknowledged receipt of the correspondence.

A. Letter from June Lake Citizens Advisory Committee (CAC) re: Request for Support of Project to Install an Electric Vehicle Charging Station at Gull Lake Park

A letter from the June Lake Citizens Advisory Committee requesting support from the Board of Supervisors for the project to install an electric vehicle charging station at Gull Lake Park.

Supervisor Gardner:

- Provided background on item

B. Notice of Preparation and CEQA Scoping Meeting – Waste Discharge Requirements for Nonpoint Source Discharges on Federal Lands within the Lahontan Regional Water Quality Control Board Region

Notice from the Lahontan Regional Water Quality Control Board regarding conducting a California Environmental Quality Act (CEQA)

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

scoping meeting to receive input from interested persons on the scope and content of the Environmental Impact Report that will be prepared for the proposed project: Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities Conducted by the Bureau of Land Management and the United States Forest Service on Federal Lands (Federal NPS Permit).

C. Los Angeles Department of Water and Power (LADWP) Temporary Urgency Change Petition to Deviate from the Stream Restoration Flow Requirements

The Los Angeles Department of Water and Power (LADWP) requests that the State Water Resources Control Board (SWRCB) approve the Temporary Urgency Change Petition (TUCP), pursuant to Water Code Section No. 1435, to temporarily deviate from the Stream Restoration Flow requirements as outlined in the SWRCB Order 98-05. Upon approval of the TUCP, flows will be scheduled in Rush, Lee Vining, Walker, and Parker Creeks in accordance with the enclosed "MONO BASIN OPERATIONS PLAN UNDER THE APRIL 2021 TUCP".

D. Rush Creek Project Relicensing, FERC Project No. 1389

Notice that Southern California Edison (SCE) is in the early stages of relicensing the Rush Creek Hydroelectric Project (Federal Energy Regulatory Commission, Project No. 1389).

7. REGULAR AGENDA - MORNING

A. Employment Development Department, Workforce Services Branch

Departments: Social Services and EDD Workforce Services Branch (Kathryn Peterson (DSS), Francie Avitia (DSS), Shelly Tarver (EDD), Cristina Garza (EDD)) - Representatives with the Employment Development Department, Workforce Services Branch (Shelly Tarver, Central Valley Deputy Division Chief and Cristina Garza, Bakersfield Alternate Cluster Manager) will provide a brief presentation on the services they provide, including ways they can assist Mono County residents with general unemployment insurance navigation.

Action: None.

Kathryn Peterson Social Services Director:

- Introduced item

Shelly Tarver, Employment Development Department, Workforce Services Branch:

- Presentation of services provided
- Overview of Workforce Innovation Opportunity Act

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

B. Superintendent of Schools Report

Departments: Mono County Office of Education

(Dr. Stacey Adler, Superintendent of Schools) – Dr. Stacey Adler, Superintendent, will present her regular update to the Mono County Board of Supervisors, including but not limited to the topics of a status update on the re-opening of schools, county-wide equity training for the schools, the social emotional learning grant, and Child Abuse Prevention Month.

Action: None.

Dr. Stacey Adler, Superintendent of Schools:

- Reviewed school reopening schedule
- MCOE received grant this last year for equity trainings
- Just received \$100,000 grant from Department of Health and Human Services to develop a community of practice around social-emotional learning
- April is Child Abuse Prevention Month
- MCOE, in partnership with Mono Arts Council, will be presenting a virtual conference for all teachers across the State called “Create Eastern Sierra Summer Arts Institute”

Break: 10:51 AM

Reconvened: 11:00 AM

C. COVID-19 (Coronavirus) Update

(Robert C. Lawton, CAO, Bryan Wheeler, Public Health Director) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Action: Approve letter as updated by staff consistent with the discussion and direction given today and authorize the Board Chair to sign approved letter.

Duggan motion; Corless seconded.

Vote: 5 yes, 0 no

M21-69

Bryan Wheeler, Public Health Director:

- PPT presentation (can be found under Supporting Documents on the meeting webpage: <https://monocounty.ca.gov/bos/page/board-supervisors-111>) – 7-day metrics, Vaccine equity metric, Blueprint for a Safer Economy, summary of Mono County Red Tier Business Sector Operations, MUSD update, CDC interim recommendations for fully vaccinated people

Supervisor Peters:

- CSAC Rural Caucus working group update

Bob Lawton, CAO:

- Public Health Officer update

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

D. Mountain View Fire Update

(Justin Nalder, EOC Director) - Update on the Mountain View Fire in Walker, CA.

Action: None.

Justin Nalder, EOC Director:

- Addressing intermediate housing aspect
- Request coming to the Board from Community Development for modifications on temporary emergency dwelling standards
- Environmental Health will be coming to the Board with an urgency ordinance allowing us to do Phase 2 cleanup
- MOU being drafted between Mono County and City of Los Angeles to procure trailers
- Nevada Resiliency Project hosting second event on 3/20
- Donation center in Antelope Valley Community Center wrapping up operations by end of month

E. Urgency Ordinance Establishing Processes and Requirements for Mountain View Fire Debris Cleanup

Departments: Environmental Health

(Louis Molina, Environmental Health Director) - Proposed urgency ordinance establishing processes and requirements for debris removal from Mountain View Fire damaged properties. This Ordinance shall become effective immediately upon adoption and requires a 4/5 vote to pass.

Action: Adopt proposed ordinance, establishing processes and requirements for debris removal from Mountain View Fire damaged properties.

Peters motion; Gardner seconded.

Vote: 5 yes, 0 no

ORD21-02

Louis Molina, Environmental Health Director:

- Presented item

F. Mountain View Fire Recovery - Revisions to Temporary Emergency Dwelling Standards

Departments: Community Development Department

(Wendy Sugimura, Community Development Director) - Proposed resolution revising standards for the placement of temporary emergency dwellings to facilitate reconstruction associated with Mountain View Fire recovery.

Action: Find that the proposed resolution qualifies under CEQA exemptions 15303(a) and 15303(b), direct staff to file a Notice of Exemption, and adopt proposed resolution with any desired modifications.

Peters motion; Duggan seconded.

Vote: 5 yes, 0 no

R21-20

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Wendy Sugimura, Community Development Director:

- Presented item

G. Planning Commission Appointments

Departments: Community Development Department

(Wendy Sugimura, Community Development Director) - Appoint/Reappoint Planning Commissioners to serve new four year terms on the Planning Commission.

Action:

- 1) Reappoint Scott Bush, with term expiring March 1, 2025, to the Mono County Planning Commission as recommended by Supervisor Peters; and
- 2) Appoint Jora Fogg, with term expiring March 1, 2025, to the Mono County Planning Commission as recommended by Supervisor Gardner; and
- 3) Reappoint Roberta Lagomarsini, with term expiring March 1, 2025, to the Mono County Planning Commission as recommended by Supervisor Duggan.

Gardner motion; Duggan seconded.

Vote: 5 yes, 0 no

M21-70

Wendy Sugimura, Community Development Director:

- Provided background on commissioners

H. Assessment Appeals Board Presentation

Departments: Clerk of the Assessment Appeals Board

(Scheereen Dedman, Assistant Clerk of the Assessment Appeals Board) - This item is a presentation of an overview of the Assessment Appeals Board, including it's purpose, assessment types, appeal / hearing schedule, the appeal process, and the local rules. This item will also review proposed amendments to the Mono County Assessment Appeals Board Local Rules (Exhibit A), approved by the Assessment Appeals Board at it's annual business meeting in July 2020.

Action: Approve proposed amendments to the Mono County Assessment Appeals Board Local Rules.

Corless motion; Peters seconded.

Vote: 5 yes, 0 no

M21-71

Scheereen Dedman, Assistant Clerk of the Assessment Appeals Board:

- Presentation – Assessment Appeal types, deadlines, and process. Board structure and meeting schedule. Assessment Appeals Board Clerk and Assessor differentiation.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

Moved to Item 10.

Note:

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9. CLOSED SESSION

*Closed Session: 2:12 PM
Reconvened: 3:59 PM*

Nothing to report out of Closed Session.

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, and Dave Wilbrecht. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO). Unrepresented employees: All.

B. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

C. Closed Session - Public Employee Evaluation

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

None.

11. REGULAR AGENDA - AFTERNOON

A. Justice, Equity, Diversity, and Inclusion (JEDI) Update

Departments: CAO, Board of Supervisors

(David Wilbrecht, Special Projects Coordinator) - Update on implementing the Board's Justice, Equity, Diversity, and Inclusion (JEDI) Initiative.

Action: None.

David Wilbrecht, Special Projects Coordinator:

- Finalizing professional services agreement with Dr. Cameron Wedding

Supervisor Corless:

- Working group has been meeting with Dr. Cameron Wedding and putting together a full proposal of how the work will be moved forward

Dr. Rita Cameron Wedding:

- Reviewed approach and framework of implicit bias

Note:

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12. BOARD MEMBER REPORTS

Supervisor Corless:

- RCRC Board Meeting:
https://www.rcrcnet.org/sites/default/files/useruploads/Meetings/Board_of_Directors/2021/March_10_2021/BoardMeeting_Highlights_March_10_2021_FINAL.pdf
- Yosemite Gateway Area Coordination Group: planning a discussion of gateway tourism/recreation impacts and needs as spring/summer approaches and covid restrictions remain in place
- Great Basin Unified Air Pollution Control District – first meeting back, good to hear of progress on archaeological resource district and partnership with the Lone Pine tribe
- JEDI working group/planning
- Sierra Eastside Regional Prioritization Group—presentations about cultural burning
- NACo Resorts/Tourism/Gateway working group: Here's a NACo post about the meeting. Thanks to Supervisor Gardner for organizing this group.
<https://www.naco.org/articles/tourism-boom-stresses-gateway-counties>
- NACo Public Lands Steering Committee: Presentations by agency representatives
- On Friday, toured CA Natural Resources Agency Sec Crowfoot and CA Chief Services Officer Josh Fryday around the Mammoth Lakes Basin and discussed forest health, recreation and all sorts of resource topics.
- Meeting with US Forest Service representatives to connect region 4/Humboldt-Toiyabe with opportunities for forest management in California.

Supervisor Duggan:

- 03/10/21 –
 - 2021 Virtual NACo Legislative Conference - Rural Action Caucus. I attended the Rural Action Caucus to see how their focus aligned with Mono County priorities. Discussions included the impact of community colleges on rural communities, changes in census data that could redefine rural status (no affect on Mono County), and the federal rural broadband efforts.
- 03/11/21 –
 - 2021 Virtual NACo Legislative Conference – Arts & Culture Commission Meeting. I attended the session that looked at the challenges for arts and culture in our communities and even some COVID-19 success stories.
 - GBUAPCD – I participated in the monthly meeting for the Great Basin Unified Air Pollution Control District, where the Governing Board elect Alpine Co. Commission Ron Hames Vice-Chair. We had an update from Grace Holder on the Keeler Dunes planting project, which looks successful in suppressing the sand from claiming more of the desert and the community of Keeler. This strategy could be applied in other areas of the Eastern Sierra.
 - OVGGA – I participated in the Owens Valley Groundwater Authority meeting where we discussed progress on the GSP, status of data requests from LADWP, and the continuing outreach efforts to the communities represented in the OVGGA. The OVGGA staff is still working on the mailing to the Tri-Valley area.
- 03/12/21 –
 - ESTA – Board Meeting – I participated in the board meeting of the Eastern Sierra Transit Authority. We received updates on ridership, cooperative agreements with Greyhound in Reno, and the preliminary FY 21-11 Budget. There was also discussion of support from the TOML to aid

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- in operation of the Reds Meadow shuttle this summer if Covid-19 restrictions allow.
- 2021 Virtual NACo Legislative Conference - Resorts/Tourism/Gateway Counties Working Group. I attended the session led by our own Vice-Chair Gardner, this group addressed the unique challenges facing like communities and shared lessons learned.
- 2021 Virtual NACo Legislative Conference – Public Lands Policy Steering Committee. I attended the Steering Committee meeting that featured discussions on new directions for Public Lands management and proposed legislation.
- 3/15/21 –
 - Local Transportation Commission – I participated in the LTC meeting where the Board received general updates and strategy planning efforts from Caltrans and ESTA. We also approved the administration of various funding sources. There was a workshop led by Mono County IT Director Nate Greenberg showcasing the GIS data tasks related to transportation.
 - CSAC Master Plan on Aging – I attended the webinar that detailed the State’s program and resource that assist local governments and partners in preparing for the growth of our aging population over the next 20 years.
- Request to adjourn Board meeting in memory of Jim Lambert and Ralph McMullen

Supervisor Gardner:

- On Wednesday March 3 I participated in the monthly June Lake Citizens Advisory Committee meeting. Topics discussed included the Vehicle Charging Project, the General Plan Safety Element and land Use Element, and a COVID Update.
- On Thursday March 4 I attended a Zoom meeting with several June lake residents to talk about future capital and other projects for the community. These included general and specific improvements to Gull Lake Park for special events, changes to the June lake ballfield, a skatepark, and some other suggestions. Attendees agreed we needed to have another wider session to get a better sense of what the community desired.
- On Friday March 5 I participated in the monthly meeting of the Kutzadika Tribal Council. Topics discussed included the status of the Federal recognition of the tribe, tribal concerns and contact from other agencies, and several future tribal programs.
- Also, on Friday March 5 I attended the monthly meeting of the Mono Basin Fire Safe Council. The Council continues to work on obtaining grants and planning for the 2021 summer and fall seasons.
- On Wednesday March 10 I participated in the monthly Mono Basin RPAC meeting. Topics discussed included pending ADU regulations, status of the Pumice Valley Landfill, a community cleanup proposal, and a COVID update.
- On Thursday March 11 I led a Zoom meeting about the process for plowing and opening the Tioga Road this spring. Yosemite Superintendent Cicely Muldoon and representatives from CalTrans and our Mono County Road Dept. provided information for the Lee Vining community and others.
- On Friday March 12 I participated in the monthly meeting of the Eastern Sierra Transit Authority Board. Topics covered included reviewing ESTA’s operations and financial status, approval of selected grant applications and contracts, and review of the proposed ESTA budget for 2021-2022. It is still not clear whether ESTA will be providing the Red’s Meadow Shuttle this summer.
- Also, on Friday I led the NACO Resorts/Tourism/Gateway Working group meeting as part of the NACO Legislative Conference. About 35 county officials from all over the country listened to a NACO legislative update and presentations from five

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counties, including our own Stacy Corless, about how they handled the COVID crisis this past year. There were many similarities with what we experienced in Mono County.

- Finally, on Friday I participated in the NACO Public Lands Policy Steering Committee meeting. We approved one resolution and heard presentations from several Federal public lands officials about a variety of issues.

Supervisor Kreitz:

- March 10th: I participated in a stakeholder meeting for the proposed childcare center at Phase I of The Parcel. Progress is being made on identifying needs, wishes, responsibilities and other details to move the much needed childcare forward. The developer believes that if they can break ground this year, the first phase would be ready for move-in in early 2023.
- I attended the NACo Rural Caucus Meeting later that morning. There was a presentation from Matt Fannin on the pending changes to the defining of rural to Census Data Classifications. The impacts for Mono are not certain at this time.
- March 11th: I attended the "Leading Local" webinar hosted by the ILG - Institute of Local Government. The diverse panel hit on many topics including racism, the need to respect each other in the democratic process of democracy including listening more, and civic engagement. Limiting public comment times was another topic, and of course COVID19.
- Next, that day I attended the NACo webinar on The American Rescues Plan. Locally we will see direct funds to both Mono and Mammoth Lakes and Mono will receive additional PILT monies over the next two years allocated under a different, still evolving funding formula. This latter funding has no restrictions other than it may not be used for lobbying.
- After this, I attended the Tioga Road Opening meeting. Thanks to Supervisor Gardener for organizing.
- I attended the Bring California Home webinar on AB71 a permanent source fund for housing sponsored by Housing California among many.
- Friday, March 12: I attended the CCRH regular board meeting. HCD Director Gustavo Velasquez joined us for an hour to discuss topics pertinent to his state department and housing in rural California. He did acknowledge the slow roll-out of standard agreements/contracts and that with their new hire, Jeffery Ross, they are targeting getting Federal dollars out more efficiently. He is very eager to work to address deficiencies within the department.
- March 15th I attend the LTC meeting. We received an update from IT Director Nate Greenberg on the GIS Asset Management Program - LTC.mono mammoth.hub.Archie.com
- Caltrans reported that the Olancha Cartego project is progressing with the awarding of a contract for the construction of a fence protecting the Desert Tortoise to begin in April. ESTA reported that: ridership is down 71%, but trending in the right direction; the Reds Meadow summer shuttle is likely to run with support from the Town and MMSA which is necessary due to the limited capacity on the busses. The Mammoth Lakes Planning and Economic Development Commission will be discussing transit in Town, including the Old Mammoth Road transit - the meeting is April 14th at 2PM public input is welcome and encouraged.
- Later that day, I attended the MLH webinar on the State, via the Federal government, rental assistance program - housingiskey.com for an appointment, application, and more information. The program is open to both landlords and tenants.
- Lastly, I participated in a meeting with the CSAC HLT committee meeting to prepare for the coming CSAC Legislative Conference April 21 & 22. The

Note:

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Committee will be hosting a workshop on what it takes to develop affordable housing with a diverse and experienced panel - the workshop will be on April 22 at 8:30AM.

- I was invited by NACo to participate on a NACo workshop panel on housing and rental assistance during COVID on Friday, March 26 at 11AM.

Supervisor Peters:

- Thanked Supervisor Gardner for asking great questions specific to Mono County during the Public Lands meetings
- On the 9th, attended the Bridgeport RPAC and Mountain View Fire Relief Fund meetings. Relief Fund – about half has been distributed, waiting to distribute the rest once the interim housing and clean up progresses further.
- On the 10th, attended the Rural Action Caucus, NACo WIR Board of Directors meeting
- Met with Jan Cutts
- Communicating with Brian Ferebee, NACo USDA Leg Liaison
- Attending various broadband taskforce meetings
- Meeting on Friday with CSAC and started discussing SB 28 legislation that is currently working its way through committees. Working with Nate Greenberg to get Mono County perspective.
- Call with subgroup futureproofing for the NACo Broadband Taskforce
- LTC meeting yesterday, presentation by Nate Greenberg on assets Mono County has and the data management tools that are available and still being updated that can provide information to CalTrans and transportation projects, updates from ESTA – electric buses, YARTS update – plans for transportation and COVID in coming year.
- Tioga Pass road clearing meeting – provided clarity on expectations and deliverables for opening. Thanked CalTrans and our Public Works.
- Mountain View Fire Community Meeting #6 last night
- Meeting with Deputy Director Stafford Lair of California Department of Fish and Wildlife discussing the recently implemented fishing regulation changes which have had some impacts to the Eastern Sierra that were unanticipated.
- Recently received Southern California Edison pamphlet regarding changes to come – request for CAO Lawton to ask SCE to come to the Board to make a presentation.

Moved to Item 9.

ADJOURNED AT 4:00 PM in memory of Jim Lambert and Ralph McMullen.

ATTEST

**JENNIFER KREITZ
CHAIR OF THE BOARD**

**QUEENIE BARNARD
SENIOR DEPUTY CLERK OF THE BOARD**

Note:

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Finance

TIME REQUIRED

SUBJECT Budget Adjustment for the Grand
Jury Budget Unit

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Mono County Board of Supervisors adopted a budget for the Grand Jury for fiscal year 2020-2021 that included \$10,000 in expenditures. On March 11, 2021, Finance received a request for a budget increase from the Superior Court of California - Mono County and expenditures to date indicate insufficient remaining appropriations for the Grand Jury to complete its duties. The budget request was not received in time for the mid-year budget adjustment, so this request to use contingency funds is being addressed independently.

RECOMMENDED ACTION:

Approve use of contingency for Grand Jury in amount of \$2,500 (requires 4/5th approval).

FISCAL IMPACT:

Use of contingency funds will leave a contingency balance for the remainder of the fiscal year of \$318,550.

CONTACT NAME: Megan Mahaffey

PHONE/EMAIL: 760-924-1836 / mmahaffey@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Grand Jury - Budget to Actual results FY 2020-21

History

Time	Who	Approval
4/12/2021 2:02 PM	County Counsel	Yes
4/6/2021 10:08 AM	Finance	Yes
4/16/2021 1:45 PM	County Administrative Office	Yes



DEPARTMENT OF FINANCE AUDITOR-CONTROLLER COUNTY OF MONO

Kim Bunn
Assistant Finance Director
Auditor-Controller

Janet Dutcher, CPA, CGFM, MPA
Director of Finance

Gerald Frank
Assistant Finance Director
Treasurer - Tax Collector

TO: Mono County Board of Supervisors

FROM: Megan Mahaffey – Mono County, Accountant II
Janet Dutcher – Mono County, Director of Finance
Bob Lawton – Mono County, CAO

DATE: April 20, 2021

RE: Budget Adjustment – Grand Jury need for contingency

Recommended Action:

1. Approve use of contingency of \$2,500 for Grand Jury expenditure increase due to COVID.

Fiscal Impact: Use of \$2,500 in contingency funds, leaving \$318,550 in Contingency funds

Background:

The Mono County Board of supervisors adopted a budget for the Grand Jury for 2020-2021 that included \$10,000 in expenditures. March 11th received a request for a budget increase from Superior Court of California -Mono County. This was not received in time for the Mid-year budget adjustment so this use of contingency needs to be taken independently.

Discussion:

As per the request received on March 11, 2021 COVID has necessitated new technology solutions to handle the remote nature of meetings, interviews, and investigations. The Grand Jury has been set up with a dedicated Zoom account (~\$200/year) and Google Workspace (~\$25/user/month). An increase of \$2,500 is requested to cover these expenses for the remainder of the Fiscal year ending June 30, 2021.

FY 2020-21 Grand Jury: Budget to Actual, as of April 4, 2021



Visualization



Sort Large to Small

- Expenses
- Revenues

Fiscal Year Through June (cumulative amounts)

Collapse All	2020-21 Amended Budget	YTD 2020-21 Actual	2020-21 Variance	2020-21 Variance
Revenues	\$ 0	\$ 0	0	0.00%
▼ Expenses	10,000	10,187	-187	-1.87%
▼ Services and Supplies	10,000	10,187	-187	-1.87%
▼ Services	7,596	10,187	-2,591	-34.11%
(31010) Jury And Witness Expense	7,596	10,187	-2,591	-34.11%
▼ Supplies	2,404	0	2,404	100.00%
(32010) TECHNOLOGY EXPENSES	2,304	0	2,304	100.00%
(32000) Office Expense	100	0	100	100.00%
Revenues Less Expenses	\$ -10,000	\$ -10,187	-187	-1.87%

Data filtered by Types, Funds, GRAND JURY, No Project and exported on April 6, 2021. Created with OpenGov



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Finance

TIME REQUIRED

SUBJECT Community Development Block Grant
2021 Application

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

As per the public hearing held on April 13, 2021 Mono County intends to submit an application in response to the 2020 Community Development Block Grant Notice of Funding Availability for Homeownership assistance.

RECOMMENDED ACTION:

Adopt Resolution R21-___ approving the submission of an application for the Community Development Block Grant 2021 Notice of Funding Availability.

FISCAL IMPACT:

None.

CONTACT NAME: Megan Mahaffey

PHONE/EMAIL: 760-924-1836 / mmahaffey@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution 21-XX

History

Time	Who	Approval
4/16/2021 7:39 AM	County Counsel	Yes
4/15/2021 3:16 PM	Finance	Yes
4/16/2021 1:45 PM	County Administrative Office	Yes



**DEPARTMENT OF FINANCE
AUDITOR-CONTROLLER
COUNTY OF MONO**

Kim Bunn
Assistant Finance Director
Auditor-Controller

Janet Dutcher, CPA, CGFM, MPA
Director of Finance

Gerald Frank
Assistant Finance Director
Treasurer - Tax Collector

TO: Mono County Board of Supervisors

FROM: Megan Mahaffey – Mono County, Accountant II

DATE: April 20, 2021

RE: Community Development Block Grant 2021 Application

Recommended Action: Adopt Resolution 21-XX approving the submission of an application for the Community Development Block Grant(CDBG) 2021 Notice of Funding Availability (NOFA).

Fiscal Impact: None at this time.

Background:

The CDBG 2021 NOFA was released on January 29, 2021. A public hearing was held on April 13, 2021 to get support for the development of a Mono County application. The attached resolution reflects feedback from the Mono County Board of Supervisors and public comment as part of the public hearing.

Discussion:

The following is a description of the specific program that will be applied for by the April 30 deadline:

1. Homeownership Assistance – \$500,000 for Mammoth Lakes Housing to operate a Homeownership Assistance Program in Mono County. We currently have a portfolio of 14 loans ranging from \$54,000 to \$200,000. All loans are 30-year deferred loans with the earliest term being August of 2036 (provided the First Time Homebuyers stay in their home and do not sell.) The County's First Time Homebuyer (FTHB) program is currently operated by Mammoth Lakes Housing (MLH) and is funded by the 2018 HOME award in the amount of \$500,000. Total loan portfolio is \$1.8 million which had leveraged \$2.7 million of private investment for a total of \$4.49 million in real estate investment in Bridgeport, June Lake, Mono City, Chalfant, Hammil Valley, Lee Vining, and Crowley Lake. This program has been run by Mammoth Lakes housing since 2006 and has benefited 15 families since 2005.

The application will allow for use of any Program Income up to \$500,000 received by Mono County to be applied to the Homeownership Assistance Program.

Attachments:

1. Resolution for 2021 CDBG application



R21-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN APPLICATION FOR FUNDING AND THE
EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM
THE 2020-2021 FUNDING YEAR OF THE
STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the California Department of Housing and Community Development is authorized to allocate Community Development Block Grant (CDBG) funds made available from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Mono County Board of Supervisors has determined that there is a need for CDBG funding within the jurisdictional boundary of Mono County; and

WHEREAS, the Federal Citizen Participation requirements were met during the development of this application.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES that:

SECTION ONE: The Mono County Board of Supervisors has reviewed and hereby approves the submission of an application to the State of California Department of Housing and Community Development not to exceed \$1 million for the following activities and/or programs as:

Homeownership Assistance - \$500,000

SECTION TWO: Mono County approves the use of Program Income in an amount not to exceed \$500,000 for the CDBG activities described in Section 1.

SECTION THREE: Mono County acknowledges compliance with state and federal public participation requirements in the development of this application.

SECTION FOUR: The County Administrative Officer or his designee is hereby authorized and directed to prepare and execute the CDBG grant application and act on the County's behalf in all matters pertaining to the application.

SECTION FIVE: If the application is approved, The County Administrative Officer is authorized to enter into and sign the resulting grant agreement and any subsequent amendments with the State of California for the purposes of this grant.

SECTION SIX: If the application is approved, The County Administrative Officer is authorized to sign funds requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2021, by the following vote, to wit:

AYES:

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NOES:
ABSENT:
ABSTAIN:

Jennifer Kreitz, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Behavioral Health

TIME REQUIRED

SUBJECT Allocation List Amendment -
Behavioral Health

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed resolution Authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Remove One 1.0 FTE Director of Clinical Services and Add Two 1.0 FTE Staff Services Analyst IIs. This amendment will increase Mono County Behavioral Health's capacity to meet compliance-related requirements and expand wellness center activities throughout the County.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

The annual cost (salary and benefits) of the two added positions is a combined \$199,526 to \$231,315, depending on the salary for the qualified candidates and the level of benefits. The cost included in the FY 2020-21 budget for the removed position is \$175,238. The Department has sufficient budget savings to fund these changes in the current budget. These positions will also be included in the FY 21-22 budget.

CONTACT NAME: Robin Roberts

PHONE/EMAIL: 760-924-1740 / rroberts@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

[Resolution](#)

History

Time	Who	Approval
4/12/2021 3:58 PM	County Counsel	Yes
4/15/2021 4:14 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



MONO COUNTY BEHAVIORAL HEALTH DEPARTMENT

COUNTY OF MONO

P. O. BOX 2619 MAMMOTH LAKES, CA 93546 (760) 924-1740 FAX: (760) 924-1741

TO: Mono County Board of Supervisors
FROM: Robin K. Roberts, Behavioral Health Director
DATE: April 1, 2021

SUBJECT:

Resolution Authorizing the County Administrative Officer to Amend the County of Mono List of Allocated Positions to Remove One 1.0 FTE Director of Clinical Services and Add Two 1.0 FTE Staff Services Analyst IIs

RECOMMENDATION:

Adopt proposed resolution. Provide any desired direction to staff.

DISCUSSION:

In an effort to increase capacity to serve the residents of Mono County, the Behavioral Health department is recommending the addition of two new full-time Staff Services Analyst IIs. One of these positions will be focused on compliance, taking on some of the duties of the removed position: Director of Clinical Services. Behavioral Health Departments across the state face an ever-increasing administrative burden that is also felt by Mono County Behavioral Health's staff members. Adding this position would help alleviate some of the administrative burden that is currently spread across the leadership team.

The second position will be responsible for supervising and expanding wellness center and community programming throughout the County. Community programs are more important now than ever as some of the restrictions of the COVID-19 pandemic begin to lift and individuals seek connection and services in our communities. These two positions will increase the capacity of the Mono County Behavioral Health team and ultimately help improve the health of Mono County residents.

FISCAL IMPACT:

The cost of each of the two added positions is \$63,385-\$77,045 per year in salary for a total of \$126,770-\$154,090. The range of the removed position is \$98,859-\$120,163, which was previously filled in the top portion of the range. One of the added positions will be funded entirely by the Mental Health Services Act and Substance Abuse Block Grant, for which there is a surplus this FY. The other Staff Services Analyst II position will be funded by a mix across cost centers similar to the removed position. These positions will also be included in the FY 21-22 budget.

SUBMITTED BY:

Robin K. Roberts, Director of Behavioral Health, Contact: 760.924.1740



R21-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS AUTHORIZING THE COUNTY ADMINISTRATIVE
OFFICER TO AMEND THE COUNTY OF MONO LIST OF ALLOCATED POSITIONS
TO REMOVE ONE (1) DIRECTOR OF CLINICAL SERVICES AND ADD TWO (2)
STAFF SERVICES ANALYST IIs IN THE DEPARTMENT OF BEHAVIORAL
HEALTH**

WHEREAS, the County of Mono maintains a list of County job classifications, the pay ranges or rates for those job classifications, and the number of positions allocated by the Board of Supervisors for each of those job classifications on its List of Allocated Positions (or “Allocation List”); and

WHEREAS, the Allocation List identifies approved vacancies for recruitment and selection by Human Resources and implements collective bargaining agreements related to job classifications and pay rates; and

WHEREAS, the County seeks to provide public services in the most efficient and economical manner possible, which at times requires the modification of the job classifications on the Allocation List; and

WHEREAS, it is currently necessary to amend the Allocation List as part of maintaining proper accounting for hiring employees to perform public services.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES that the County Administrative Officer is authorized to amend the County of Mono List of Allocated Positions to reflect the following changes:

Remove the allocation of one (1) full-time permanent Director of Clinical Services (new total: zero) (salary range \$8,238 - \$10,014 per month).

Add the allocation of two (2) full-time permanent Staff Services Analyst II (new total: three) (salary range \$5,282 - \$6,420 per month).

PASSED, APPROVED and **ADOPTED** this _____ day of _____, 2021, by the following vote, to wit:

AYES:

NOES:

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ABSENT:

ABSTAIN:

Jennifer Kreitz, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Public Health

TIME REQUIRED

SUBJECT Women Infants and Children (WIC)
Program Contract Amendment #19-
10162, A01

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Proposed Standard Agreement Amendment with California Department of Public Health (CDPH) Women, Infants, and Children (WIC) Program pertaining to Contract #19-10162, A01.

RECOMMENDED ACTION:

Approve County entry into proposed contract amendment and authorize Board Chair to execute said contract on behalf of the County by signing the following: one (1) copy of Standard Agreement Amendment (STD 213A).

FISCAL IMPACT:

The amended agreement increases program related revenues by \$14,992 and shifts funds from year one of the agreement into years two and three.

CONTACT NAME: Stephanie Riley Stai

PHONE/EMAIL: 760-924-4610 / srileystai@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Standard Agreement Amendment (STD 213A)

History

Time	Who	Approval
4/15/2021 1:48 PM	County Counsel	Yes
4/15/2021 3:38 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 924-1831
P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

Date: April 9, 2021

To: Honorable Board of Supervisors

From: Stephanie Riley Stai, Women Infants and Children (WIC) Program Director

Subject: Women Infants and Children (WIC) Program

Contract Amendment #19-10162, A01

Recommendation:

Proposed Standard Agreement Amendment with California Department of Public Health (CDPH) Women, Infants, and Children (WIC) Program pertaining to Contract #19-10162, A01. Approve County entry into proposed contract amendment and authorize Board Chair to execute said contract on behalf of the County by signing the following:

- 1 copy of Standard Agreement Amendment (STD 213A)

Discussion:

The California State WIC Program is a nutrition education program, federally funded by the United States Department of Agriculture (USDA) and serves low income families that are at or below 185% of the poverty level. The WIC program is designed to provide supplemental resources to eligible individuals at nutritionally vulnerable times of life and to help reduce the risk of medical problems because of a lack of nutritious foods or information about nutrition. Pregnant woman, children 0-5 years of age and postpartum women are provided supplemental healthy food options, nutrition education, breastfeeding education and support as well as referrals to health care and other services the county provides. The Mono County WIC Program continues to be an essential resource for local families since its establishment in 2010, currently serving over 135 participants.

Fiscal Impact/Budget Projections:

There is no impact on the County General Fund.

Mono County WIC Program has a budget of \$275,726.00 for Year 2 (October 1st, 2020 to September 30th, 2021) of the 3-year contract. In order to compensate for costs related to COVID-19, the California Department of Public Health has increased funding by \$7,496.00 per year starting in the current fiscal year, increasing the total yearly budget to \$283,222.00.

For questions regarding this item, please call Stephanie Riley Stai at (760) 924-4610

Submitted by: Stephanie Riley Stai, WIC Program Director

Reviewed by: Bryan Wheeler, Public Health Director

STANDARD AGREEMENT - AMENDMENT

STD 213A (Rev. 4/2020)

 CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED 1 PAGES

AGREEMENT NUMBER

19-10162

AMENDMENT NUMBER

A01

Purchasing Authority Number

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

California Department of Public Health

CONTRACTOR NAME

Mono County

2. The term of this Agreement is:

START DATE

October 1, 2019

THROUGH END DATE

September 30, 2022

3. The maximum amount of this Agreement after this Amendment is:

\$842,170.00 Eight Hundred Forty-Two Thousand One Hundred Seventy Dollars

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

- I. This amendment increases the contract by \$14,992.00, changing the total amount to read \$842,170.00, to better support the Contractor's needs, and is shifting funds in fiscal years 2 and 3 in order to accommodate anticipated expenses for the H.R. 6201 - Families First Coronavirus Response Act.

*All other terms and conditions shall remain the same.**IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.***CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

Mono County

CONTRACTOR BUSINESS ADDRESS

P.O. Box 3329

CITY

Mammoth lakes

STATE

CA

ZIP

93546

PRINTED NAME OF PERSON SIGNING

Bryan Wheeler

TITLE

Public Health Director

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

California Department of Public Health

CONTRACTING AGENCY ADDRESS

1616 Capitol Avenue, Suite 74.262, MS 1802, PO Box 997377

CITY

Sacramento

STATE

CA

ZIP

95899

PRINTED NAME OF PERSON SIGNING

Joseph Torrez

TITLE

Chief, Contracts Management Unit

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT

Letter from Southern California
Edison re: the Mill Creek and Wilson
System

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Southern California Edison in response to the letter sent by the Board of Supervisors on November 3, 2020 regarding the management of flows in Mill Creek and the Wilson system in Mono County.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Letter](#)

History

Time	Who	Approval
4/15/2021 12:43 PM	County Counsel	Yes
4/15/2021 2:55 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



Wayne P. Allen
Principal Manager
Regulatory Support Services

April 5, 2021

Jennifer Kreitz, Chair
Board of Supervisors
County of Mono, California
P.O. Box 715
Bridgeport, CA 93517

Re: Mill Creek and Wilson System, Mono County, California

Dear Chair Kreitz:

Thank you for your letter dated November 3, 2020, which continues our long-standing dialogue regarding the management of flows in Mill Creek and the Wilson system in Mono County, California. I write to address the Board of Supervisors' request to the parties to the 2004 Lundy Hydroelectric Project Settlement Agreement (2004 Agreement) to take certain actions intended to address aquatic resources in the Wilson system.

As a preliminary matter, the 2004 Agreement parties fully recognize and appreciate the complexity of this issue. We understand that some Mono County residents would prefer flows to be diverted to the Wilson system rather than remain in Mill Creek. We also recognize the sentiment, expressed repeatedly in the Board of Supervisors' Regular Meeting on October 6, 2020, that the diversion of water to benefit the Wilson system is likely to have a corresponding negative impact on resources in Mill Creek. As expressed in your letter, we too appreciate that this issue concerns "the management and allocation of a finite resource among competing demands."

As your November 2020 letter also recognizes, well-established legal requirements govern these management and allocation issues, and, as discussed below, parties to the 2004 Agreement parties have thoughtfully and carefully worked over many years to comply with these requirements.

First, your November 2020 letter requests the preparation or funding of studies to investigate environmental and habitat conditions of Mill Creek and the Wilson system, in accordance with the National Environmental Policy Act (NEPA) and/or the California Environmental Quality Act (CEQA). As parties to the 2004 Agreement explained in their prior letter to the Board of Supervisors dated October 23, 2019, these environmental review requirements only apply, respectively, to discretionary federal actions (for NEPA) and discretionary projects or approvals by a state or local agency involving the exercise of its substantive authority (for CEQA). SCE's current operational activities involve no federal action or state/local discretionary project or approval, as defined respectively under NEPA and CEQA, so environmental review under these statutes is not required. Moreover, when issuing a new license to Southern California Edison (SCE) for the Lundy Hydroelectric Project (Project), the Federal Energy Regulatory Commission (FERC) conducted a robust environmental assessment, concluding that the continued operation of the Project would not have a significant environmental impact. The current license for the Project extends through February 2029.

Second, your November 2020 letter requests actions to improve the efficiency of water-conveyance infrastructure to help maintain flows through the Wilson system. With respect, this

Jennifer Kreitz, Chair
Page 2 of 2
April 5, 2021

request is beyond the purview of SCE's FERC license, as well as the 2004 Agreement. As SCE hopes that the Board of Supervisors can understand, we cannot dictate how individual water-rights holders may or may not elect to use their water rights or protect the resiliency of their own infrastructure. Our efforts are limited to the release of flows from the Project in accordance with the 1914 Mill Creek Adjudication, Mono County Superior Court Case No. 2088 (Nov. 30, 1914). As your November 2020 letter recognizes, infrastructure improvements aimed at maintaining flows through the Wilson system are the responsibility of water rights holders, including Mono County. And while the Mill Creek Return Ditch is considered part of SCE's FERC license for the Project, the license establishes that this is an unlined, earthen facility. SCE believes that it is maintaining the Mill Creek Return Ditch as required by the FERC license.


For these reasons, SCE respectfully declines to implement the recommendations in your November 2020 letter. We believe that all our efforts with our 2004 Agreement partners have been, and will continue to be, implemented in accordance with all applicable legal requirements, and that your requests lie outside the scope of the 2004 Agreement and the FERC license.

Please know that we are fully committed to continuing our engagement with the Board of Supervisors, its staff, and the public as we continue to work together to improve SCE's ability to address the needs of all Mill Creek water rights holders. Our dialogue to date has been enlightening and productive.

In addition, please be aware that individual parties to the 2004 Agreement are undertaking projects, outside the scope of the 2004 Agreement, that address important management issues of the type highlighted in your letter. For example, the U.S. Forest Service and Mono Lake Committee have recently worked with multiple local partners including Mono County to repair the hot water distribution system at the DeChambeau Ponds, providing significant resource benefits and increased water management flexibility.

We appreciate the County's commitment to this matter and look forward to continuing to work with the County on the management of flows in Mill Creek and the Wilson system. Should you have any questions, please contact any of the parties listed below.

Sincerely,

DocuSigned by:

106CE18A73D445F...
Wayne P. Allen
Principal Manager

cc: Mono County Supervisors Rhonda Duggan, Bob Gardner, John Peters, Stacey Corless
Adam Perez, LADWP Aqueduct Manager
Saeed Jorat, LADWP Waterworks Engineer
Geoffrey McQuilken, Mono Lake Committee
Lesley Yen, Inyo National Forest
Steven Nelson, Bureau of Land Management
Steve Rothert, American Rivers
Redgie Collins, California Trout
Katie Bellomo, People for Mono Basin Preservation



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Federal Energy Regulatory
Commission (FERC) Letters re:
Dams Part of the Lee Vining Creek
Project, FERC Project No. 1388-CA

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Federal Energy Regulatory Commission (FERC) letters regarding the following: (1) Completing of Poole Powerhouse Flowline Repair; (2) 2021 DSSMP/2020 DSSMR Submittal for Rhinedollar Dam, Saddlebag Dam, Tioga Lake Dam.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
FERC 1
FERC 2

History

Time	Who	Approval
4/15/2021 12:40 PM	County Counsel	Yes
4/15/2021 2:55 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

March 25, 2021

In reply refer to:
Project No. 1388-CA

Mr. James A. Buerkle
Director
Generation
Southern California Edison Company
1515 Walnut Grove Ave
Rosemead, CA 91770-3710

Re: Completing of Poole Powerhouse Flowline Repair, FERC Project No. 1388

Dear Mr. Buerkle:

This is in response to a letter dated March 12, 2021 from Mr. Wayne Allen that submitted the report indicating the completion of penstock repairs at Poole Powerhouse, which is part of the Lee Vinning Creek Project, FERC Project No. 1388. We have reviewed the submittal and have no comments.

We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Rakesh Saigal at (415) 369-3317.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

cc:
Ms. Sharon Tapia, Chief
CA Dept. of Water Resources
Division of Safety of Dams
P.O. Box 942836
Sacramento, CA 94236-0001

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

March 26, 2021

In reply refer to:
Project No. 1388-CA

Mr. James A. Buerkle
Director of Generation
Southern California Edison (SCE) Company
1515 Walnut Grove Ave
Rosemead, CA 91770-3710

Re: 2021 DSSMP/2020 DSSMR Submittal for: Rhinedollar Dam, Saddlebag Dam, Tioga Lake Dam, FERC Project No. 1388-CA

Dear Mr. Buerkle:

This is in response to a letter dated March 8, 2021 from Mr. Wayne Allen that submitted the 2020 annual Dam Safety Surveillance and Monitoring Report (DSSMR) and the 2021 Dam Safety Surveillance and Monitoring Plan (DSSMP) for Rhinedollar Dam, Saddlebag Dam, Tioga Lake Dam, which are part of the Lee Vining Project, FERC Project No. 1388. We have reviewed the submittal and have the following comment:

- Tioga Lake and Auxiliary Dams, and Rhinedollar Dam - DSSMP: Consider providing additional information in the summary (i.e. purpose, number of markers, and general location) for the survey monuments prior to Table 3.2-1

Please address our comment in the next update of the DSSMP. We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Rakesh Saigal at (415) 369-3317.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

cc:

Ms. Sharon Tapia, Chief
CA Dept. of Water Resources
Division of Safety of Dams
P.O. Box 942836
Sacramento, CA 94236-0001



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT USDA Forest Service Long Valley
Exploration Drilling Project Update

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

The Mammoth Ranger District of the Inyo National Forest is initiating the analysis process for the proposed Long Valley Exploration Drilling Project proposed by Kore USA Ltd. (Kore Mining). The Long Valley Mineral Exploration Project would include drilling exploratory bore holes to investigate mineral potential on the mining claim, and subsequent reclamation.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Letter](#)

History

Time	Who	Approval
4/15/2021 12:41 PM	County Counsel	Yes
4/15/2021 2:55 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes

From: USDA Forest Service <forestservice@public.govdelivery.com>
Sent: Thursday, April 8, 2021 1:56 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: USDA Forest Service Long Valley Exploration Drilling Project Update

[EXTERNAL EMAIL]

The Long Valley Mineral Exploration Project scoping request letter is attached. The project would include drilling exploratory bore holes to investigate mineral potential on the mining claim, and subsequent reclamation.

The letter is also available on the project website for review at <https://www.fs.usda.gov/project/?project=59294>. This letter begins a scoping period in which we are asking for your input on the scope of analysis, any issues and concerns, or information that may be helpful.

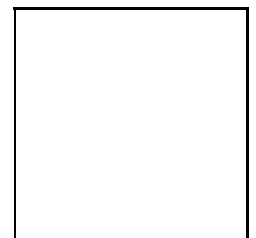
The attached letter provides information about how to submit any scoping comments and contains information about the proposed actions and location.

- [KoreMining2021PublicScopingLetter.4.7.21.pdf](#)

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in. If you have questions or problems with the subscription service, please contact subscriberhelp.govdelivery.com.

This service is provided to you at no charge by [US Forest Service](#).

This email was sent to bgardner@mono.ca.gov using GovDelivery Communications Cloud on behalf of: USDA Forest Service · 1400 Independence Ave., SW · Washington, DC 20250-0003 · 1-800-832-1355



File Code: 2810, 1950

Date: April 7, 2021

Dear Interested Citizen,

The Mammoth Ranger District of the Inyo National Forest is initiating the analysis process for the proposed Long Valley Exploration Drilling Project proposed by Kore USA Ltd. (Kore Mining). The project boundary area proposed for exploration is within a claim block controlled by Kore Mining and encompasses 230 acres in Section 26, Township 3 South, Range 28 East, Mono County, California. It is located approximately 6.2 miles east of the town of Mammoth Lakes and 45 miles north of the town of Bishop, California (Figure 1).

At this time, we are opening a scoping period to ask for your help in determining the scope of the analysis.

Kore Mining proposes to conduct mineral exploration activities at the claim for a period of less than one year. Ground disturbing activities proposed consist of drilling with heavy equipment, the creation of fourteen drill pads and the use of existing roads and temporary access routes. The total new land disturbance anticipated is 0.93 acres. Project implementation would occur in the summer of 2021. Reclamation of all impacted areas would commence immediately following the completion of drilling activities. No production or mining would be included in this project. It would be for exploration only, to determine the mineral potential of the site. Any actual production proposed in the future would be analyzed according to National Environmental Policy Act guidelines at that time.

A total of fourteen pads measuring 30 feet by 50 feet (1500 square feet) each are proposed for construction within in the claim area. Up to three core borings would be drilled on each pad. The drill pads would also be utilized for staging all vehicles and equipment. Each pad would be surrounded by temporary fencing during the work. Container trucks would be used to hold and transport all drill cuttings and muds offsite and at an appropriate disposal facility. Access to drill pads would require the temporary re-opening of 11 segments (1,849 total feet in length and 10 feet wide.) of non-system Forest Service roads for the duration of the project. All of the temporary access routes would follow pre-existing non-system routes that are currently blocked and/or closed. Temporary access routes and drill pads would be cleared of vegetation by hand cutting or mowing with a small tractor and graded level to accommodate the drilling equipment. Six inches of topsoil removed from each drill pad would be salvaged and stored on site for use in reclamation of the pad at the end of the drilling project.

After drilling is complete, the drill pads would be reclaimed by spreading the reserved topsoil, recontouring to approximate original landforms and planting with a Forest Service-approved native seed mix. Temporary access routes would be reclaimed using a spring-tooth harrow, or similar device, to relieve surface compaction and then seeded with the same approved seed mix. Monitoring of the revegetation success would continue for three years after seeding. Additional details about the project can also be viewed on the project website at <https://www.fs.usda.gov/project/?project=59294>.

This proposal is being considered in compliance with the National Environmental Policy Act (NEPA). The Forest will analyze any potential environmental impacts proposed in the plan of operations and



establish any terms or conditions under which the mining operations may be conducted in order to minimize adverse impacts to surface resources (36 CFR 228.8). Surveys for cultural and biological resources will be completed before implementation, to ensure the project protects resources and meets the Inyo National Forest land management plan and other applicable laws, regulations and policy. It is anticipated that this project can be completed under a categorical exclusion under the category established under 36 CFR 220.6 (e)(8), because it is a “short term (1 year or less) mineral investigation and incidental support activities”. Appropriate and legally required environmental studies and consultations will be completed in support of the project to inform the decision, and to determine whether extraordinary circumstances exist that could require preparation of an Environmental Assessment or Environmental Impact Statement.

The proposed action is currently available for a 30-day public scoping period. With this scoping notice we would like to invite your comments regarding issues, opportunities, concerns, and suggestions for the proposed project. You may submit comments on the project website at: <https://www.fs.usda.gov/project/?project=59294>. Go to “Comment/Object on Project” on the right side of the page and you can type in your comments or attach a file.

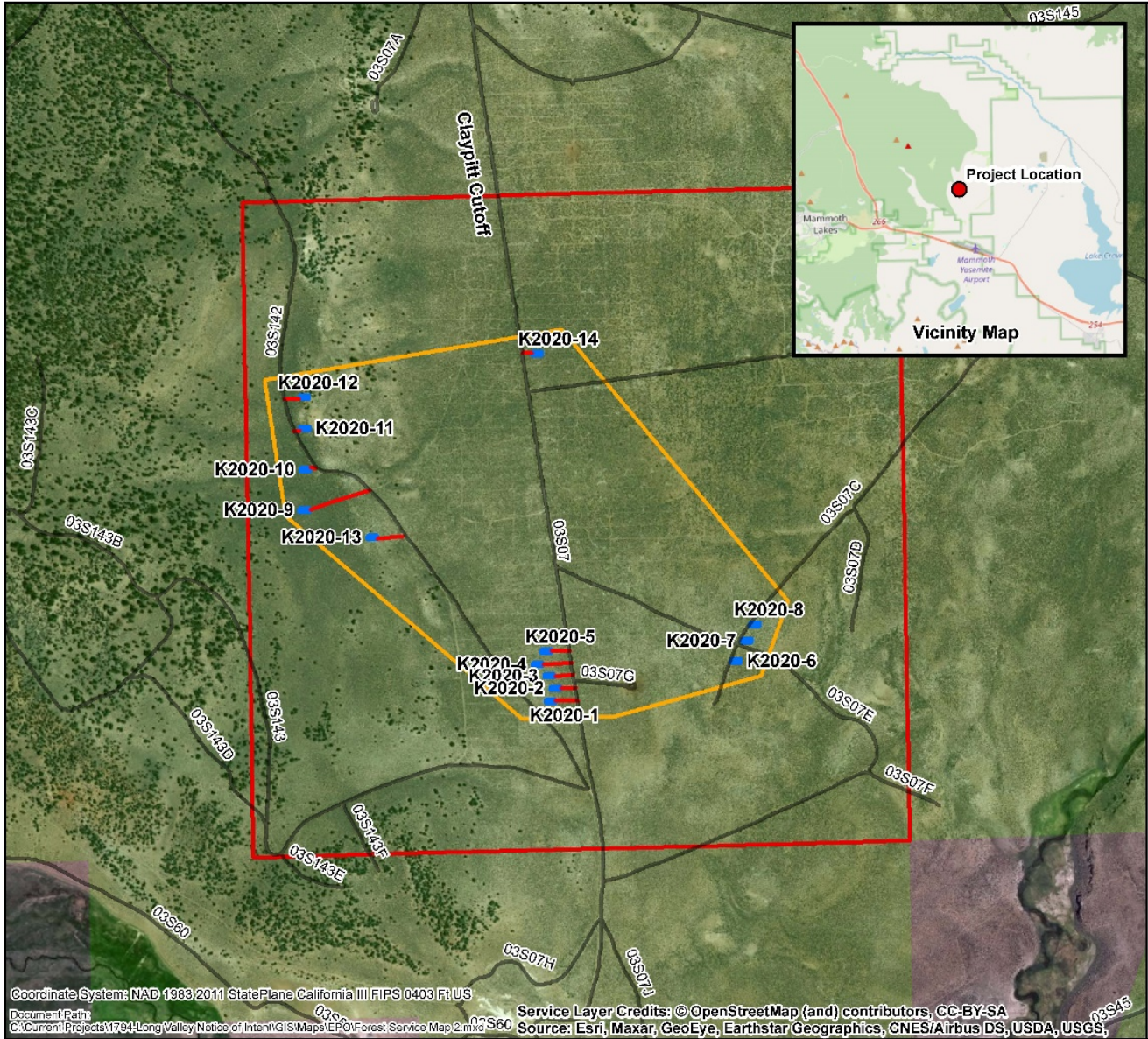
While public participation in this analysis is welcome at any time, comments received by May 6, 2021 will be most useful in informing the analysis. Please contact *Colleen Garcia, Minerals Program Manager, 351 Pacu Lane Suite 200 Bishop, CA 93514*, by email at colleen.garcia@usda.gov and/or by phone at (760) 920-0285 for questions about the project or scoping process, or if you cannot submit your comment on the project website.

I appreciate your interest in the management of the Inyo National Forest.

Sincerely,

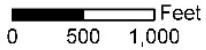
GORDON P. MARTIN
District Ranger

Attachment
Figure 1. Project Area Map



Long Valley Drilling Exploration Project Map

- Legend**
- Road
 - Proposed Temporary Access Roads
 - ▭ Project Boundary
 - ▭ Drill Pads - K2020-#
 - ▭ T3S, R28E, S26
 - ▭ City/County
 - ▭ USFS



Data Source Notes:
Township Range Section - BLM



Date: 3/16/2021

Coordinate System: NAD 1983 2011 StatePlane California III FIPS 0403 Feet US

Document Path: C:\Current\Projects\1784\Long Valley\Notice of Intent\GIS\Maps\EPO\Forest Service Map 2.mxd

Service Layer Credits: © OpenStreetMap (and) contributors, CC-BY-SA
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Letter from Sierra Club Range of
Light Group re: Long Valley
Exploration Drilling Project

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from the Executive Committee of the Sierra Club Range of Light Group requesting the Mono County Board of Supervisors comment on the Long Valley Exploratory Drilling Project.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
4/15/2021 12:41 PM	County Counsel	Yes
4/15/2021 2:57 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



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



April 15, 2021

Mono County Board of Supervisors
Mono County
PO Box 715
Bridgeport, California 93517
skendall@mono.ca.gov

Re: Long Valley Exploratory Drilling Project

Honorable Supervisors,

The Executive Committee of the Sierra Club Range of Light Group asks the Mono County Board of Supervisors to comment on the [Long Valley Exploratory Drilling Project](#). The Forest Service is suggesting that this project would fall under a Categorical Exclusion. First and foremost, we ask that the County ask for an Environmental Assessment as part of the NEPA process. The Notice of Intent (NOI) lacks significant information about the drilling activities to fully evaluate all the impacts of the project and to develop mitigations. It also fails to mention impacts to the Bi-state Sage Grouse and to the County's tourist economy. If the project falls under a Categorical Exclusion, then this comment period will be the only public comment period on this project. Second, this project could lead to an open pit gold mine as presented on the [Kore Mining website](#).

Here are some aspects of the project that the County may want to consider:

Impacts to Sage Grouse and Deer: GPS collared data from USGS shows Bi-State Sage Grouse use this area. The South Mono PMU is a critical population for the survival of the species and is in decline. Deer have been observed in the area and will pass through it in the fall while drilling is occurring.

Risks to Hot Creek: The NOI provides no information on depth of drilling or direction of drilling to evaluate the impact to Hot Creek.

Misrepresented Surface Disturbance: All the proposed road segments should be considered new because they were reclaimed and are now covered in mature, healthy sagebrush and bitterbrush. Drill sites to 9-13 were not previously worked so those road segments are new. They are also on slopes and will have more overburden for the road segments and the drill pads that will exceed what's specified in the NOI. The 0.93 acre of disturbance may be an underestimation. Because new areas are being explored, past archeological surveys may not have covered that area.

Impact of Trucks, Dust, Noise, Lights: There will be extensive truck traffic hauling water in and hauling out drill waste/mud. What is the route, from Highway 395 to Antelope Springs Road or from the Green Church to Antelope Springs Road? Drilling will be 24/7 with lights and noise through the night.

To: Mono County Board of Supervisors
Re: Long Valley Exploratory Drilling Project

This will impact Hot Creek Ranch, the Utu Utu Gwaitu Tribe private property, and fishing, camping, and tourists visiting the Hot Creek Geological Site area.

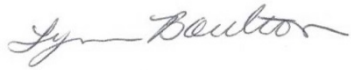
Missing Information About the Project: The NOI doesn't explain where the water would come from, how much will be needed, or where the waste water/mud will be hauled to. If Kore's drilling hits the water table or geothermal waters, then the waste water will contain arsenic at the very least. The wells in the area contain arsenic. Where can arsenic-rich waste water/mud be disposed of safely?

Long and Short-Term Impacts to the Tourist Economy: How will this exploratory drilling project impact the County's tourist and recreational economy? The reason for this project is to find gold and then hand off to a mining company. The Kore website clearly states that is their intent: "Simple open pit & heap leach, simple = low cost".

County Ordinance 7.10.040 banning use of cyanide for heap leaching

We ask the Board to direct staff to engage in the public comment process and submit comments. Comments are due May 7.

Regards,



Lynn Boulton
Chair, Range of Light Group
Toiyabe Chapter, Sierra Club



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Letter from Friends of the Inyo re:
Long Valley Exploration Drilling
Project

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Wendy Schneider, Executive Director of Friends of the Inyo, requesting the Mono County Board of Supervisors comment on the Long Valley Exploratory Drilling Project.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
4/16/2021 1:10 PM	County Counsel	Yes
4/16/2021 10:28 AM	Finance	Yes
4/16/2021 1:47 PM	County Administrative Office	Yes

From: Wendy Schneider <wendy@friendsoftheinyo.org>

Sent: Tuesday, April 13, 2021 5:00 PM

To: Stacey Simon <ssimon@mono.ca.gov>; Stacy Corless <scorless@mono.ca.gov>; John Wentworth <johnwentworth@mltpa.org>; Bob Gardner <bgardner@mono.ca.gov>

Cc: Jora Fogg <jora@friendsoftheinyo.org>; Lynn Boulton <amazinglynn@yahoo.com>; Malcom Clark <wmalcolm.clark@gmail.com>; Janet Barth <wesawone@gmail.com>

Subject: Request for TOML and Mono County engagement on Kore Mining proposal

[EXTERNAL EMAIL]

Hello Stacy, Stacey, Bob and John,

I am reaching out with a request for TOML and Mono County to express concerns, in official comments letters, to INF about the recent proposal, it's really a re-submission of a proposal, by Kore Mining for exploration in Long Valley. A link to the proposal is attached. Comments are due May 6. We believe the proposed activities pose significant environmental threats to southern Mono County, and would be inconsistent with the recreation activities and tourism that are important to Mammoth and Mono County residents. If it would be helpful, we can provide Talking Points, or even a draft letter for TOML and the County to consider. Please let me know how we could proceed.

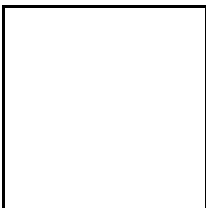
Thanks so much,

Wendy

Inyo National Forest's Notice of Intent dated April 7: https://www.fs.usda.gov/nfs/11558/www/nepa/115018_FSPLT3_5616373.pdf
Comments due May 6, 2021. "You may submit comments on the project website at: <https://www.fs.usda.gov/project/?project=59294>. Go to "Comment/Object on Project" on the right side of the page and you can type in your comments or attach a file."

--

Wendy Schneider/Executive Director
621 W Line St, Ste 201, Bishop CA 93514
Eastern Sierra/Payahunaduu
FriendsoftheInyo.org/





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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED 1 hour

SUBJECT COVID-19 (Coronavirus) Update

**PERSONS
APPEARING
BEFORE THE
BOARD**

Robert C. Lawton, CAO, Bryan
Wheeler, Public Health Director

AGENDA DESCRIPTION:

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

Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Robert C. Lawton

PHONE/EMAIL: 760-932-5415 / rlawton@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)
No Attachments Available

History

Time	Who	Approval
4/15/2021 12:25 PM	County Counsel	Yes
4/15/2021 2:46 PM	Finance	Yes
4/16/2021 1:44 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Mountain View Fire Emergency Operations Center

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Justin Nalder, EOC Director

SUBJECT Mountain View Fire Update

AGENDA DESCRIPTION:

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

Update on the Mountain View Fire in Walker, California.

RECOMMENDED ACTION:

Receive update from Incident Command for the Mountain View Fire and involved staff regarding impacts of the fire, recovery efforts, County response, debris removal and related topics. Provide any desired direction to staff.

FISCAL IMPACT:

No impact from this update.

CONTACT NAME: Justin Nalder

PHONE/EMAIL: 760-932-5453 / jnalder@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)
No Attachments Available

History

Time	Who	Approval
4/15/2021 12:41 PM	County Counsel	Yes
4/15/2021 3:04 PM	Finance	Yes
4/16/2021 1:44 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Public Works Engineering

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD Chad Senior, Associate Engineer

SUBJECT Airport Road/Hot Creek Road Project
- Start Date, Duration, Traffic Control

AGENDA DESCRIPTION:

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

This item is a brief oral update on the Airport Road project to provide public information on the project start date, duration, and expected traffic delays. Parties interested in potential delays along Airport Road (serving the Mammoth Yosemite Airport) and Hot Creek Road should view this item, and/or visit the County Project web page at:
<https://monocounty.ca.gov/engineering/page/projects-notice-1>

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Chad Senior

PHONE/EMAIL: 760.924.1812 / csenior@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time	Who	Approval
4/12/2021 1:51 PM	County Counsel	Yes
4/15/2021 3:33 PM	Finance	Yes
4/16/2021 1:47 PM	County Administrative Office	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: County Counsel

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Stacey Simon, County Counsel

SUBJECT Letter to Los Angeles Department of Water and Power and U.S. Fish and Wildlife Service Regarding Long Valley Adaptive Management Plan for Bi-State Sage Grouse

AGENDA DESCRIPTION:

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

Letter to the Los Angeles Department of Water and Power (LADWP) and U.S. Fish and Wildlife Service (USFWS) regarding LADWP's Long Valley Adaptive Management Plan for Bi-State Sage-Grouse.

RECOMMENDED ACTION:

Approve and authorize the Chair to sign proposed letter as drafted or with revisions as directed by the Board.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 760-648-3270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
4/15/2021 12:27 PM	County Counsel	Yes
4/15/2021 3:17 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



Jennifer Kreitz - District One Rhonda Duggan - District Two Bob Gardner - District Three
John Peters - District Four Stacy Corless - District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5538 • FAX (760) 932-5531
Shannon Kendall, Clerk of the Board

April 20, 2021

Via email and U.S. Mail

Cynthia McClain-Hill, President
Los Angeles Department of Water and Power
Board of Commissioners
PO Box 51111
Los Angeles, CA 90051-0100

Mr. Paul Souza, Regional Director
United States Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

RE: LADWP's Adaptive Management Plan for the Bi-State Sage Grouse in Long Valley

Honorable President McClain-Hill and Mr. Souza:

Mono County has been involved in efforts to preserve the Bi-State Distinct Population Segment of the greater sage grouse ("Bi-State Sage Grouse" or "Sage Grouse") for nearly two decades. As a member of the Bi-State Local Area Working Group (Bi-State LAWG) along with federal, state and local agencies, nonprofit organizations and tribal representatives, Mono was a partner in the development of the first Bi-State Sage Grouse conservation plan in 2004. Thereafter, the County participated in the development, and now implementation, of the 2012 Bi-State Conservation Action Plan (the "2012 Action Plan") and is a signatory to the multi-agency Memorandum of Understanding for Bi-State Sage Grouse conservation. The measures called for in the 2012 Action Plan, along with the \$45 million dollar commitment to implement those measures (including \$5.9 million committed by Mono County), have resulted in significant gains for the Sage Grouse and its habitat.

One area of particular focus in the preservation of the Bi-State Sage Grouse is Long Valley in southern Mono County, which supports approximately 30% of California's entire population. Much of this important habitat is on land owned and operated by the Los Angeles Department of Water and Power (LADWP) – land that would be designated as critical habitat if the Bi-State Sage Grouse were listed under the Endangered Species Act.

At its April 6, 2021, meeting, the Mono County Board of Supervisors received a presentation from its staff regarding LADWP's *Adaptive Management Plan for the Bi-State Sage-Grouse Brood-Rearing Habitat on Los Angeles Department of Water and Power Lands in Long Valley* (the AMP). The Board commends LADWP for its attention to this critical issue, and for the speed with which the plan was developed – LADWP staff commenced work on the plan in late July 2020, and submitted what it describes as the final document to the U.S. Fish and Wildlife Service (USFWS) near the end of December, 2020.

Having now reviewed the AMP, this Board notes that, perhaps as a result of the expedited timeline, important issues require further clarification or revision. The following comments and suggestions are intended to address these issues so that the AMP can serve what appears to be the purpose for its development – to set forth specific actions and commitments to preserve Bi-State Sage Grouse habitat on LADWP-owned lands in Long Valley.

1. The plan does not address or explain how it correlates to historic irrigation practices in Long Valley which have long sustained the Bi-State Sage Grouse.

In 2018, when irrigation water to ranch lessees in Long Valley was significantly reduced to levels mimicking a drought (despite runoff that year being approximately 80% of average) there was a correspondingly precipitous decline in the Bi-State Sage Grouse population – from 152 males counted in the Spring of 2018, to 105 males in the Spring 2019. This is a loss of more than 40 individuals in a single year. The next largest decline in recent history was a decrease of 27 birds following the devastating five-year drought ending in 2016. The Bi-State population in Long Valley has otherwise remained relatively stable since at least 2012.

The same historic irrigation practices that sustain the Bi-State Sage Grouse have created ecologically significant meadow and wetland habitat and support a variety of species and conditions critical to a healthy ecosystem. Recognizing the potential impact on the environment which would result from a modification to historic irrigation practices, in March of 2021, the Alameda Superior Court ruled that LADWP must maintain historic irrigation in Long Valley and Little Round Valley until such time as it complies with the California Environmental Quality Act (CEQA). The Court's ruling allows for annual variations in water delivery based on snowpack and runoff conditions, around a historic average of 3.2 AF/acre.

Because the AMP does not address how it will operate in relationship to historic irrigation and water spreading practices, there is a lack of clarity regarding what will actually occur on the ground – this season or in future years. Will water be provided only as described in the AMP (i.e., through McGee and Convict Creek diversions and only to Lek3) or will it continue to be provided to other regions in Long Valley that also support Sage Grouse and contain leks?

The AMP should be clarified to explain its relationship to historic irrigation practices and water deliveries so that those concerned with Sage Grouse preservation (including wildlife managers) and the preservation of other natural resources can understand its actual impact on Bi-State Sage Grouse population and habitat in Long Valley.

2. The plan does not state whether it applies in all year types or only in the driest years when there is a need to prioritize water deliveries to the most critical areas.

Mono County staff participating in plan development understood from that process that the AMP seeks to lay out a strategy for prioritizing water deliveries in years of low water availability. In other words, when there is limited water, the AMP describes how those scarce water supplies would be allocated to ensure the greatest positive impact on areas where scientific data confirms to be important for Sage Grouse brood rearing (see section 3 below regarding scientific, versus historical data and knowledge). This approach was supported by County staff during the process. However, the December AMP does not confirm that understanding and, perhaps by omission, appears to be proposing that only a minimal amount of water (i.e., smaller deliveries through fewer ditches, and on a much smaller land area) would be provided regardless of water-year type or water availability.

If it is not the intention of the AMP to reduce water deliveries and thereby risk impacting habitat for the Bi-State Sage Grouse even during years of average or above-average water availability, then the AMP should be revised or clarified to specifically state that it sets forth a backstop strategy for dry years only (and to specify the water availability thresholds that would trigger its implementation). With that clarification, the issues raised in section 3 below should also be addressed.

Alternatively, if such clarification is not made, then the conclusion must be drawn that the AMP proposes a new management regime that involves a severe curtailment of water deliveries to much of the Long Valley region, potentially shrinking Bi-State Sage Grouse habitat and risking unintended consequences for lekking and brood rearing areas. As such, the AMP would not only violate the Alameda Court's March 8, 2021 ruling, but would reflect a new project requiring environmental review under CEQA. The Board of Supervisors does not believe that to be the intention.

3. The AMP should include a description of historic practices and resulting habitat conditions and provide measures to protect habitat resulting from those practices.

The AMP strives to identify the most beneficial timing for water distribution and the most valuable areas for brood-rearing on LADWP lands in Long Valley. Recognizing that there is a lack of current science on both of these issues, the AMP commits to future scientific study to improve understanding. The Board of Supervisors supports additional research and data development, but cautions that it should not be pursued to the exclusion of existing on-the-ground knowledge and experience regarding Sage Grouse prevalence and the measures necessary for preservation of those populations.

LADWP lands in Long Valley have long been managed by private lessees on behalf of LADWP with beneficial results for the Bi-State Sage Grouse and without comprehensive scientific study or analysis. As expressed (and loosely paraphrased here) by biologists working in the area from more than one wildlife management agency – “We don't know what the ranchers do with the water, but what they have done has worked well for the sage grouse.” While further data is developed through scientific studies, historically successful land and water

management strategies should not be ignored or abandoned on the basis that they are not “scientific data.” Indeed, that approach could harm the Bi-State population while purportedly seeking to protect it and therefore undermine future efforts to develop scientific information by inadvertently altering important habitat before it is identified.

For example, several regions in Long Valley which are known to support Bi-State Sage Grouse (regardless of whether radio telemetry has confirmed their presence) are not addressed by the AMP at all. These include Hot Creek and the Upper Owens River. The AMP does not provide for water deliveries to or include management strategies for these regions, despite the existence of historical knowledge confirming their use by Bi-State Sage Grouse. Measures to preserve Sage Grouse in areas where the birds are known to exist, regardless of whether science has yet re-confirmed that knowledge, must be undertaken or, ironically, additional species decline could result from a plan that seeks on its face to protect the species.

4. Underlying assumptions and premises in the AMP unduly limit its effectiveness in protecting the Bi-State Sage Grouse in Long Valley.

Perhaps again due to the short timeframe in which the plan was developed, the AMP excludes the possibility of improving existing water conveyance systems in Long Valley to benefit the Bi-State Sage Grouse or the building of new conveyance systems. And the AMP acknowledges that “new water systems may be needed or existing ones [may need to be] improved [sic]”. Such improvements should not be categorically excluded, and if they remain options in the future, that should be stated in the AMP.

As just one example, water in the Owens River could be delivered and spread when other creek flows are too low to be used. Current Owens River diversions already create mesic habitat, and the river is not vulnerable to low water conditions, as are Convict and McGee. Bi-State Sage Grouse are found in the Upper Owens River area and in the sagebrush to the west around Little Hot Creek. Additional habitat could be provided in these areas even in lower water years through expansion and improvement of water conveyance facilities utilizing Owens River water.

In closing, the Mono County Board of Supervisors again commends LADWP for its attention to the preservation of Bi-State Sage Grouse on LADWP-owned lands in Mono County and for the speed with which the AMP was drafted. Ultimately, with some clarifications and additions, it is hoped that the AMP could be an effective tool in the preservation of Sage Grouse habitat in Long Valley.

Sincerely,

Supervisor Jennifer Kreitz, Chair
Mono County Board of Supervisors

Cc: Los Angeles Department of Water and Power Commissioners
Charlton Bonham, Director, California Department of Fish and Wildlife (CDFW)
Scott Gardner, CDFW

AMP Technical Working Group
Keep Long Valley Green Coalition
Eastern Sierra Audubon Society
Sierra Club Range of Light Group



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: CAO

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

John Craig, Assistant CAO, Malinda
Huggins, Animal Control Coordinator

SUBJECT Amending Mono County Code Title 9
- Animals

AGENDA DESCRIPTION:

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

Proposed Ordinance Amending Mono County Code Title 9 to Change the Name of the Mono County Department of Animal Control to the Mono County Department of Animal Services and Change the Method by which Dogs are Licensed.

RECOMMENDED ACTION:

Introduce, read title, and waive further reading of proposed ordinance. Provide any desired direction to staff.

FISCAL IMPACT:

Once enacted, the revised ordinance alters cash flow for the Department but does not affect the amount of revenues.

CONTACT NAME: John Craig

PHONE/EMAIL: 760-932-5414 / jcraig@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Ordinance
Exhibit A to Ordinance - Non-redlined

History

Time	Who	Approval
4/16/2021 9:42 AM	County Counsel	Yes
4/15/2021 3:32 PM	Finance	Yes
4/16/2021 1:48 PM	County Administrative Office	Yes



**DEPARTMENT OF ANIMAL CONTROL
COUNTY OF MONO**

*Malinda Huggans
Animal Control Coordinator*

TO: Mono County Board of Supervisors
FROM: Malinda Huggans – Animal Control Coordinator
DATE: April 20, 2021
RE: Department of Animal Control Name Change

Recommended Action: Adopt Ordinance 21-XX approving changing the name of the Department of Animal Control to the Department of Animal Services and changing the method by which Mono County licenses Dogs.

Fiscal Impact: None.

Background:

The Department of Animal Control has operated for several decades, caring for animals throughout Mono County and sheltering and caring for them. To better align the functions of the department, we are requesting to change the name of the department. Additionally, in order to better provide services for our constituents we would like to move away from a manual licensing system to an online system using the online platform DocuPet. This web company will allow for a more streamlined process to licensing our animals.

Discussion:

Name Change

Over the years Animal Control has evolved to offer more programs and services than simply impounding strays and enforcing the ordinances. Animal Control is becoming more of a resource for pet owners and their animals. Animal Control has been able to support animal welfare efforts through humane education and cooperation with pet owners, to provide a better life for the animals in our communities. The name Animal Control is outdated and brings about the image of the old “dog catcher” just out there to catch as many strays as possible. Animal Services is a name that reflects our goals of improving animal welfare through collaboration, cooperation, and education. We want the community to see us as the resource that we are, and that we are here to help.

License Amendment

The department would like to change the licensing term from the fixed June to June term, to a term that allows people to purchase a license to coincide with the expiration date of their pets’ rabies vaccination. The current practice requires all pet owners to renew their licenses for a fixed 1-year period every June. This forces the department to spend the entire month manually mailing and responding to owners who come in in person to the office to license their pets. Additionally, no license can be offered beyond the current expiration of the individual animal’s rabies vaccination. This requires citizens to often purchase a license for less than a year and return mid-year to relicense the animal once the rabies vaccination is updated.

The option to purchase a 1-year, 2-year, and 3-year term will be offered. The current ordinance requires tags to display an expiration date of June 30th, the change will allow people to keep permanent tags, then renew the license as needed. The department would like to partner with DocuPet which would provide the tags free of charge and remit to the department the \$10 per year licensing fee. Pet owners will purchase these permanent tags directly from DocuPet online or by phone, or they can still utilize the traditional method of mailing their payment to the Animal Control office. DocuPet provides the pet owner with a customizable pet profile to help them keep track of their pets' documents and information online. The pet owner will also be able to choose information to provide for the public in the event their lost pet is found. There will be an ID number on the tag for the public to look up a found animal's information on the DocuPet website, as a 24/7 lost animal reunification resource. The pet owner will also be able to create a lost animal report and send an alert out in the event their animal is lost. Each pet owner has the option of signing up to be a helper for lost animals in their community, when that alert is sent out, it will go to those helpful community members. DocuPet will offer our basic municipal tags with our Mono County logo at no extra charge when the license is purchased or offer designer tags as an alternative upcharge. 20% of the proceeds from the sale of these designer tag sales will go toward helping the animals in our shelters. Partnering with DocuPet will improve licensing customer service, move the licensing away from a manual process, and will improve lost pet reunification efforts.

New Logo

With the name change and in the spirit of rebranding our image to reflect our role as a community resource for animal welfare, we have designed a new logo we will use based off of the official Mono County tourism logo.

Spay/Neuter Program

As an effort to reduce pet abandonment and reduce the overpopulation in animal shelters, Animal Control would like to offer a low cost spay/neuter program to help defray the cost of spaying and neutering. To participate, a pet owner must be a permanent resident of Mono County, including Mammoth Lakes. If the animal is a dog, the owner must possess a current license purchased through our department. Upon receiving the spay/neuter voucher, the pet owner will take their pet to the participating vet, currently Sierra Veterinary Clinic in Bishop. We are interested in reaching out to other veterinarian offices in the future to inquire about their participation in this program. The funding for these costs will be covered from accumulated funds in the Spay/Neuter Trust Fund. This fund consists of the spay/neuter deposits from adoptions. When an animal is too young to be spayed or neutered, we adopt the animal out with a spay/neuter deposit paid by the adopting family and a signed agreement. If the adopter fails to spay/neuter the animal and return to claim the deposit on time, the deposit stays in the trust fund. These funds have not been used in many years and accumulated to over \$21,000. To fund this new spay/neuter program we would like to have a prescribed amount be transferred from the trust fund to the professionalized services line item each fiscal year. \$2,000 per year would be sufficient to start with. This will allow us to offer reduced surgeries for 22 animals annually.

Attachments:

1. Ordinance allowing changes to Title 9 – Animals of the Mono County Code
2. Exhibit A outlining the specific changes.



ORDINANCE ORD21-__

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING TITLE 9 OF THE MONO COUNTY CODE TO CHANGE THE
NAME OF THE MONO COUNTY DEPARTMENT OF ANIMAL CONTROL TO
THE MONO COUNTY DEPARTMENT OF ANIMAL SERVICES AND TO
CHANGE THE METHOD BY WHICH DOGS ARE LICENSED**

WHEREAS, Title 9, Chapters 9.04 to 9.44, of the Mono County Code contains regulations, policies and procedures pertaining to the control and servicing of pets and animals in the County; and

WHEREAS, the Mono County Department of Animal Control provides various animal services throughout the County; and

WHEREAS, the Board of Supervisors now wishes to change the name of the Department of Animal Control to the Department of Animal Services (“Department”) to better represent the services provided by the Department; and

WHEREAS, the Department wishes to change the method and timeframe by which dogs are licensed throughout the County to better serve the dog owning citizens of the County.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS that:

SECTION ONE: Title 9 of the Mono County Code is hereby amended in its entirety to read as set forth in Exhibit A, which is attached hereto and incorporated by this reference.

SECTION TWO: This ordinance shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and also publish it in the manner prescribed by Government Code Section 25124 no later than 15 days after the date of its adoption and final passage. If the Clerk fails to publish this ordinance within said 15-day period, then the ordinance shall not take effect until 30 days after the date of publication.

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1 **PASSED, APPROVED and ADOPTED** this 20th day of April, 2021, by the following
2 vote, to wit:

- 3 **AYES:**
4 **NOES:**
5 **ABSENT:**
6 **ABSTAIN:**

7
8 _____
Jennifer Kreitz, Chair
Mono County Board of Supervisors

9
10 ATTEST:

APPROVED AS TO FORM:

11
12 _____
Clerk of the Board

13 _____
County Counsel

Exhibit A

Title 9 - ANIMALS

Chapters:

Chapter 9.04 - ANIMAL SERVICES—GENERAL PROVISIONS

Sections

9.04.010 - Title.

The ordinance codified in Chapters 9.04 through 9.36 shall be known as the Mono County animal services ordinance.

9.04.020 - Definitions.

The following terms, as used in Chapters 9.04 through 9.36, shall have the meaning ascribed to them in this section as follows:

- A. "Dog" includes domesticated coyotes, wolves and similar animals.
- B. "Dog services officer" is synonymous with "animal services officer."
- C. "Dog kennel" means any lot, building, structure, enclosure or premises where four or more dogs more than six months of age are kept at the same time, or where any dogs are kept for the purpose of sale or breeding.
- D. "Dog owner" means the owner or custodian of any dog of either sex or of any age.
- E. "Health officer" means the health officer of the county and his authorized assistants.
- F. "Unlicensed dog" means any dog for which the license for the current year has not been paid.
- G. "Vaccination" or "vaccination against rabies" means the inoculation of a dog with a canine chick embryo origin modified live virus rabies vaccine, or canine nerve tissue killed virus rabies vaccine, approved by the health officer or by the United States Public Health Service for use in the prevention of rabies in dogs.
- H. "Working dog" means a dog which is kept or maintained for the purpose of working livestock. "Working dog" does not include a dog kept on a premises with working dogs which does not itself work livestock.
- I. "Working dog kennel" means a kennel where working dogs are kept.

Chapter 9.08 - ANIMAL SERVICES*

Sections:

9.08.010 - Position created—Appointment.

There is created the position of the animal services director who shall be appointed by the county administrator and shall operate the Mono County Department of Animal Services.

9.08.020 - Generally.

- A. The animal services director and his or her other officers are designated as public officers and employees of the county, charged with the duty to enforce the provisions of this chapter and any law of the state relating to the care, treatment and impounding of animals, and they are authorized to issue citations for violations of said laws and provisions in accordance with Section 836.5 of the California Penal Code.
- B. Each such person, while performing his or her respective duties, shall wear a metallic badge of a size and design to be determined by the animal services director.
- C. The animal services director and his or her officers, when acting in the course and scope of their employment, are authorized to carry, in county vehicles, unloaded firearms or weapons of a type and caliber approved by the sheriff's department. The animal services director and his or her officers shall receive initial and recurrent training in the use of any type of firearm or weapon approved for use by the sheriff's department, in order to establish and assure satisfactory proficiency in the use of such weapons commensurate with the safety and welfare of the general public.

9.08.030 - Duties.

The animal services director and his or her officers shall pick up and impound animals as provided in Chapters 9.04 through 9.36 of this code. They shall also enforce the provisions of Chapters 9.04 through 9.36 and any other state law or local ordinances relating to animals.

9.08.040 - Fees.

The following fees are imposed, the amount of which shall be set by resolution of the board of supervisors:

- A. Redemption Fee. To redeem a dog from the pound, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.

- B. Turn-in fee. When an animal is voluntarily turned in to the pound by its owner, the amount of which shall include reasonable costs associated with of the care of dogs while impounded.

9.08.050 - Authority.

Whenever the animal services director or his or her officers are authorized to take up and impound any animal under the provisions of Chapters 9.04 through 9.36, he or she shall have the authority in the exercise of a sound discretion to shoot to kill any such animal that attacks him or her while he or she is in the act of seizing it for impounding and to shoot any dog at large that has no known owner or home and which cannot be safely caught.

Chapter 9.12 - DOG LICENSES*

Sections:

9.12.010 - License—Required—Fee.

The owner of any dog over the age of four months shall procure a Mono County dog license and pay therefor an annual license fee for each dog in accordance with a resolution of the board of supervisors adopted for the purpose of declaring the fees appropriate for the licensing of nonspayed and nonneutered dogs. Such fee shall be reduced by fifty percent for spayed and neutered dogs, with receipt of an appropriate certificate from a licensed veterinarian declaring the dog to have so spayed or neutered.

9.12.20 - License—Term.

- A. All dogs shall be licensed in compliance with applicable State Law, including but not limited to California Health & Safety Code section 121690.
- B. Dogs that have attained the age of 12 months or older and have been fully vaccinated against rabies may be licensed for one-, two- or three-year durations.
- C. Dogs that have not yet been fully vaccinated against rabies or that are exempt from the rabies vaccination under applicable law may only be licensed for a maximum one-year duration and in no event shall any license extend beyond the expiration date of the dog's rabies vaccination.
- D. All dog licenses shall be issued at a rate of \$10 per year for altered dogs (i.e., spayed or neutered) and \$20 per year for unaltered dogs (i.e., nonspayed and nonneutered).
- E. Licenses shall be valid from the last day of the month in which the license is issued or at the expiration of the dog's rabies vaccination, whichever is earlier. If a dog's license expired before the license was renewed, then the owner will be

responsible for the amount of an annual license for each year that the dog was without such license.

Term	Altered Dog	Unaltered Dog
1 Year	\$10	\$20
2 Year	\$20	\$40
3 Year	\$30	\$60

9.12.030 - License—Collector.

A license collector may be designated by the animal services director for the purposes of this chapter.

9.12.040 - License—Issuance.

The amount of a license fee shall be paid to the license collector and, upon payment thereof, there shall be issued to the person making such payment a dog tag displaying Mono County Animal Service's name or logo; provided that the owner or custodian of the dog shall have the dog vaccinated and shall present to the license collector a vaccination certificate signed by a licensed veterinarian indicating that the period of time elapsing from the date of vaccination to the date of expiration of the license being issued does not exceed thirty-six months. The vaccination certificate need not be presented whenever the dog has a condition or illness that temporarily renders it unfit to be vaccinated, provided this condition is proved to the satisfaction of the license collector by documentation from a licensed veterinarian.

9.12.050 - License—Issued by another government.

- A. The license collector shall honor a dog license issued by authority of another government, but only when all of the following facts exist:
 - 1. The dog license to be honored is current and effective until the thirtieth day of June and this fact is established by proof of a dog license tag, certificate, or receipt of the other government which shows the period for which the license is issued;
 - 2. The dog has been vaccinated against rabies and the period of time elapsing from the date of vaccination to the next thirtieth of June does not exceed thirty-six months and this fact is established by the presentation of a vaccination certificate signed by a licensed veterinarian or a dog license tag, receipt, or certificate that on its face establishes the date and type of vaccination;
 - 3. The request to so honor the license is made within thirty days after the dog is brought into the county
- B. The dog license shall be honored by the issuance of Mono County dog license, provided that the owner pays a license fee therefor in the amount set by a resolution of the board of supervisors.

9.12.060 - License—Tag attachment.

A permanent dog license tag shall be issued to any person upon the payment of the license fee. The dog license tag shall be securely fixed to a collar or harness on the dog for which the tag has been issued. The animal services director or his or her officers shall impound any dog found not wearing a current Mono County dog license tag.

9.12.070 - Licenses—Late Penalty.

A late fee in an amount determined annually by the County Board of Supervisors shall be added to the regular license fee when the license being renewed has been expired for 30 days or longer.

Chapter 9.16 - KENNEL LICENSES

Sections:

9.16.010 - Kennel license.

Every person owning or operating a kennel or place where four or more dogs are kept for breeding, boarding, training or other commercial purposes in lieu of obtaining licenses for the individual dogs kept therein may obtain a kennel license for all dogs regularly kept therein; provided, however, all such dogs shall be vaccinated as provided in Chapters 9.04 through 9.36. It is unlawful for any person to fail to procure the license. The fee therefor shall be set by resolution of the board of supervisors in a amount not to exceed the county's costs of administering this chapter, which fee shall be due, payable, delinquent, penalized, and proratable in the same manner as is provided for individual dog licenses in Chapter 9.12. Before any kennel license is issued, a permit therefor shall be obtained from the health officer, and all kennels shall be so constructed as to prevent dogs confined therein from running at large or leaving the premises where the kennel is maintained. It shall be operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof. The operation of all kennels licensed pursuant to provisions of this section shall be subject to reasonable regulations of the health officer.

9.16.020 - Working dog kennel license.

Every person owning or operating a working dog kennel, in lieu of obtaining licenses for the individual dogs kept therein, may obtain a working dog kennel license for all dogs regularly kept therein, at a fee set by resolution of the board of supervisors not to exceed the county's cost of administering this chapter; provided, however, all such dogs are vaccinated as provided in Chapter 9.04 through 9.36.

Chapter 9.20 - VACCINATION OF DOGS*

Sections:

9.20.010 - Vaccination—Required.

Every person who keeps or harbors any dog over the age of four months shall have such dog vaccinated against rabies by a duly licensed veterinarian, with a canine anti-rabies vaccine approved by and in a manner prescribed by the California Department of Health Services.

9.20.020 - Dog imported into county—Vaccination provisions.

Every person bringing any dog into the county which has not been vaccinated with a canine anti-rabies vaccine approved by and in the manner prescribed by the California Department of Health Services, prior to importation, shall cause such dog to be vaccinated within thirty days after its arrival in the county.

9.20.030 - Vaccination—Certificate—Exhibition upon demand.

On demand of the animal services officer, every person keeping or harboring any dog over four months of age shall exhibit to the animal services officer a certificate of a duly licensed veterinarian certifying that the dog has been vaccinated, the date of the vaccination and the type of vaccine used.

9.20.040 - Vaccination—Certificate—Issuance—Contents.

- A. Every person practicing veterinary medicine in the county who vaccinates a dog with rabies vaccine shall issue to the owner of the dog a duplicate original of a certificate signed by the veterinarian which states:
 - 1. The name and address of the owner or harborer of the vaccinated dog;
 - 2. The kind of vaccine used, the name of the manufacturer, and the date of vaccination;
 - 3. The breed, age, color, sex, and name of the vaccinated dog.
- B. The original copy of the certificate shall be mailed to the animal services director within ten days after the date of vaccination.

9.20.050 - Violation—Penalty.

Any person violating the provision of this chapter shall be guilty of an infraction and upon conviction shall be punishable by:

- A. A minimum fine not less than fifteen dollars for the first violation;
- B. A minimum fine not less than thirty dollars for a second violation of this chapter within one year.

Chapter 9.24 - IMPOUNDMENT OF ANIMALS

Sections:

9.24.010 - Impounding.

Any officer may take up and impound in the county pound any animal including any unlicensed dog or dog bearing no license tag as herein provided which may be found running at large off the premises of the owner and not in the presence of the owner or a member of his family, and may take up and impound any licensed dog or dog bearing a license tag which appears to be lost or strayed and the owner of which cannot be found with diligence.

9.24.020 - Pound established.

The board of supervisors shall establish or cause to be established by contract or agreement with an agency, society or organization organized for that purpose a suitable place for the impounding of dogs from the unincorporated areas of the county, which premises shall be considered as the Mono County pound; provided, that nothing herein contained shall be construed as preventing the pound from being operated in conjunction with a pound operated by the agency, society, organization or public agency in or for any city or county.

9.24.030 - Stray animals.

The animal services officer may take up and impound any stray or abandoned animal, and thereupon hold and dispose of any such animal as provided herein.

Chapter 9.28 - DISPOSITION AND REDEMPTION OF IMPOUNDED ANIMALS

Sections:

9.28.010 - Disposition—Generally.

Any animal, including any dog which bears a valid tag, taken up and impounded and which is not redeemed within a period of six days from the date of the taking up may be destroyed by the animal services officer in a humane manner, or if such animal is saleable, may be sold for cash at a private sale without notice for such price as the animal services officer deems reasonable and proper or he may deliver any such unredeemed dog to the United States military authorities; provided, however, it shall be the duty of the animal services officer within three days after the impounding of any dog bearing a license tag to mail a notice of such impounding in a sealed envelope directed to the licensee at the address shown by the application therefor on file with the license collector.

9.28.020 - Disposition—Unlicensed dogs.

Any unlicensed dog or dog bearing no license tag taken up and impounded pursuant to the provisions of Chapters 9.04 – 9.36 and which is not redeemed in the manner hereinafter provided within a period of three full days from the time of the taking up may be destroyed by the dog services officer in a humane manner, or if such dog is saleable, may be sold for cash at private sale without notice for such price as the dog services officer deems reasonable and proper or he may deliver such redeemed dog to the United States military authorities.

9.28.030 - Impounded animals—Sale.

When any animal is sold by the animal services officer as provided by Sections 9.28.010 and 9.28.020, it shall be his duty to deliver to the purchaser of such animal a statement in writing, which statement shall contain a description of the animal sold, the date when the animal was impounded, the date of sale and the amount of the purchase price. Before any dog is released to the purchaser, he shall obtain a license therefor. The animal services officer shall retain a duplicate of all statements issued by him in connection with the sale. All sales made under the provisions of this section shall convey a good and valid title to the purchaser, and the previous owner of the animal so sold thereafter shall be barred from all right to recover the same; provided, however, that if such original owner appears within three months after the date of the sale and proves to the satisfaction of the animal services officer that he was the owner of such animal, and upon making a verified claim therefor to the board of supervisors, he shall be reimbursed for any such sum as has been realized from the sale of the animal less such redemption fees as he would have been required to pay had he redeemed the animal as hereinafter provided on the date of such sale, plus the further sum of three dollars.

9.28.040 - Impounded animals—Redemption.

The owner or person entitled to the possession of any animal impounded may at any time prior to its sale or disposal as provided in this chapter redeem the same. Such person desiring to redeem an animal shall deliver to the animal services officer a statement on a form prepared by the animal services officer which shall contain a description of the animal sought to be redeemed, the name and address of the claimant and the statement that he is the owner of such animal. It shall be the duty of the animal services officer to issue to such person a written statement containing the name and address of the claimant, a description of the animal to be redeemed, the date when the animal was impounded and accrued fees for its redemption, care and accrued license fee, if any, which statement shall serve as a certificate of redemption and receipt for the fee paid. The animal services officer shall keep duplicates of all statements issued by him.

9.28.050 - Impound fees and other fees.

Fees for the redemption of impounded animals shall be set by resolution of the board of supervisors in amounts not to exceed the county's costs administering this chapter. The board of supervisors may also establish and set by resolution such other fees as it may deem appropriate for animal services, including but not limited to euthanasia, disposal, adoption, plan-checks, turn-ins, and boarding, in amounts not to exceed the county's costs of providing such services.

Chapter 9.32 - PROTECTION AGAINST RABIES—QUARANTINE

Sections:

9.32.010 - Suspected rabid or biting dog—Owner's duty.

Whenever the owner of any dog observes or learns that such dog has shown symptoms of rabies or has acted in a manner which would lead a reasonable person to suspect that it might have rabies, or that it has been bitten by a dog having rabies or suspected of having rabies, or otherwise exposed to rabies, or has bitten a human being, such person shall immediately notify the health officer and shall immediately confine the dog.

9.32.020 - Quarantine—Procedure.

Whenever any dog has bitten any human being or whenever the health officer has reasonable grounds to suspect that the dog has rabies, he is empowered to immediately quarantine the dog either upon the premises of the owner or within the county pound. Such quarantine shall be by written notice served upon the owner of the dog and shall contain the statement that the dog is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the dog, it shall be immediately confined within a locked enclosure so constructed that it cannot escape or have contact with any other animal or human being other than the person responsible for its care, or at the discretion of the health officer it may be kept under restraint by leash in charge of a responsible person or under such other restriction as the health officer may deem necessary; provided, however, that the owner may, in lieu of quarantine of the animal upon the premises, place the same in care of a duly licensed veterinarian for the purpose of confinement. The owner of any such dog quarantined on the premises shall immediately report to the health officer any change in disposition or unusual actions of the dog. The dog shall be kept quarantined and restrained until the health office shall in writing order its destruction or release. Where such dog is quarantined in the county pound, it shall be restrained for a sufficient period to determine whether or not it is infected with rabies and thereupon shall be destroyed if determined to be rabid, or if not, released to the owner. Upon its release the owner thereof shall be notified in writing and the dog shall be released to him upon the payment of the sum of seventy-five cents for each day the dog has been detained in the pound as a charge for keeping such animal; provided, however, that if no person

lawfully entitled thereto appears within six days from the date of the giving of such written notice and claims the dog and pays for such charges, it may be sold or destroyed as provided in Chapter 9.28.

9.32.030 - Quarantine—Violation.

When any dog is quarantined, it is unlawful for the owner or person in possession thereof to violate the quarantine by removing the dog from the premises, allowing it to run at large, destroying it without authorization, concealing it from the health officer or disobeying any other quarantine restriction which may have been imposed by the health officer.

Chapter 9.36 - PROHIBITED ACTS

Sections:

9.36.010 - Prohibited acts—Generally.

- A. No unauthorized person shall remove any current, valid license tag from any dog.
- B. No person shall attach to or keep upon any dog any license tag provided for in Chapters 9.04 through 9.36, except a tag issued for such dog under the provisions of Chapters 9.04 through 9.36.
- C. No person shall harbor or keep any dog which is not licensed in accordance with the requirements of Chapters 9.04 through 9.36.
- D. No person shall interfere with, oppose or resist any animal services officer who is taking up or impounding animals or issuing citations, while such animal services officer is engaged in the performance of any act authorized by Chapters 9.04 through 9.44 of the Mono County Code.

9.36.020 - Interference with use of highways.

It is unlawful for any person or owner in possession thereof to permit any dog to be at large which attacks, worries or barks at pedestrians, vehicles or other users of the public areas, roads, streets and highways.

9.36.030 - Noisy dogs.

It is unlawful for any person to permit any dog owned by him or in his possession or under his control to habitually destroy the peace and quiet of any person or neighborhood by habitual barking or howling.

9.36.040 - Dog nuisances.

It is unlawful for any person to permit any animal owned by him or in his possession or under his control to commit a nuisance in any public place or on the property of another.

9.36.050 - Violation—Penalty.

Any person violating the provisions of this chapter shall be guilty of an infraction and upon conviction shall be punishable by:

- A. A minimum fine not less than thirty dollars for the first violation;
- B. A minimum fine not less than fifty dollars for a second violation of this chapter within one year;
- C. A minimum fine not less than seventy-five dollars for a third or more violation of this chapter within one year.

Chapter 9.37 - PROHIBITED ACTS—POLICE DOGS

Sections:

9.37.010 - Prohibited activities.

It is unlawful for any person who is not an officer or employee of the Mono County sheriff's department to touch, strike, feed, tease, bother or otherwise harass or interfere with any dog utilized by the Mono County sheriff's department for law enforcement investigation, patrol or crowd control activities while the dog is in the presence of a sworn officer of the Mono County sheriff's department, is in its regular kennel, or is kept in a Mono County sheriff's department patrol vehicle.

9.37.020 - Penalties.

This chapter may be enforced as either a misdemeanor or an infraction. If enforced as a misdemeanor, conviction of an offense hereunder shall be punishable by up to six months in custody and/or a five hundred dollar fine and a minimum fine imposed of not less than one hundred dollars.

Chapter 9.40 - POTENTIALLY DANGEROUS AND VICIOUS DOGS

Sections:

9.40.010 - Incorporation of state law.

Chapter 9 of Division 14, Article 1, commencing with Section 31601 of the Food and Agriculture Code, is adopted and made a part of this code.

9.40.020 - Administrative hearing officer.

Pursuant to Section 31621 of the Food and Agriculture Code, the county administrative officer shall appoint a county employee to serve as a hearing officer. The hearing officer shall make the determinations described in Sections 31621 and 31622(a) of the Food and Agriculture Code.

9.40.030 - Appeals.

The petitioner or the owner or keeper of the dog may appeal a determination made by the hearing officer to the Mono County justice court. The appeal shall be filed within five days of the receipt of the notice of determination of the hearing officer and shall be accompanied by a filing fee of twenty dollars made payable to the county clerk.

Chapter 9.44 - DOG REGULATIONS

Sections:

9.44.010 - Definitions.

As used in this chapter:

- A. "At large." It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any dog in any place in the designated leash law areas of the county except fastened securely by a chain, rope, or leash or except securely confined within private property legally controlled by the person in possession of the dog. Further, any dog off the premises of its owner or person having the care, custody or possession, shall be on a rope, chain, or leash, not exceeding six feet in length and under the immediate physical control of a competent person. Further, the term "at large" shall not include any dog being trained in obedience or other class or being exhibited at show or obedience trial, or being trained for or used for bona fide hunting purposes, or that is engaged in the herding, grazing or control of livestock, and while under the immediate vocal control of a competent person.
- B. "June Lake" means that certain unincorporated area of the June Lake Loop area of Mono County, described as follows:

All that land within Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, and 22, Township 2 South, Range 26 East, Mount Diablo Base and Meridian.

- C. "Hilton Creek" means that certain unincorporated area of Hilton Creek, more particularly described as follows:

Beginning at the northeast corner of Section 35, Township 4 South, Range 29 East, Mount Diablo Base and Meridian, thence west one-fourth mile, thence south one-half mile, thence west one-fourth mile to the center of Section 35, Township 4 South, Range 29 East, Mount Diablo Base and Meridian, thence north one-eighth mile, thence west one-fourth mile, thence north one-eighth mile, thence west one-fourth mile, thence north five-eighths mile, thence east one-fourth mile, thence south one-eighth mile, thence east one-half mile, thence north one-fourth mile, thence east one-half mile, thence south one-half mile, thence west one-fourth mile to the point of beginning.

- D. "Mammoth-June Lake Airport" means that certain airport within the county of Mono more particularly described as follows:

A portion of Sections 1, 2 and 3, Township 4 South, Range 28 East, Mount Diablo Base and Meridian.

E. "White Mountain Estates" means that unincorporated area of Mono County more particularly described as follows:

The S.E. $\frac{1}{4}$, S.W. $\frac{1}{4}$ and the S. $\frac{1}{2}$, S.E. $\frac{1}{4}$, Section 22, T.5.S., R.23E. M.D.M., in the county of Mono, state of California.

F. "Lee Vining" means that certain unincorporated area of Lee Vining, more particularly described as follows:

That portion of Sections 4, 5, 8, 9, and 16, Township 1 North, Range 26 East, Mount Diablo Base and Meridian, described as follows:

The South one-half of the south west one-quarter of Section 4, the South east one-quarter of the south east one-quarter of Section 5, the north east one-quarter of the north east one-quarter of Section 8, the west one-half of Section 9 and the north one-half of the north west one-quarter of Section 16.

G. "Wheeler Crest" means that certain unincorporated area including Sky Meadow, Swall Meadows and Pinion Ranch, more particularly described as follows:

That portion of Sections 13, 14, 23 and 24, Township 5 South, Range 30 East, Mount Diablo Base and Meridian, described as follows:

The west one-half of the southwest one-quarter and the west one-half of the east one-half of the southwest one-quarter of Section 13.

The south one-half of the northeast one-quarter of the northwest one-quarter of the northeast one-quarter, the east one-half of the southeast one-quarter of the northwest one-quarter of the northwest one-quarter, the south one-half of the northeast one-quarter of the northwest one-quarter, the south one-half of the northwest one-quarter of the northeast one-quarter, the north one-half of the southwest one-quarter of the northwest one-quarter, the north one-half of the southeast one-quarter of the northwest one-quarter, the southwest one-quarter of the northeast one-quarter, the south one-half of the north one-half of the southeast one-quarter of the northeast one-quarter, the south one-half of the southeast one-quarter of the northeast one-quarter and the southeast one-quarter, of Section 14.

The northeast one-quarter of the northeast one-quarter of the northwest one-quarter, the north one-half of the northwest one-quarter of the northeast one-quarter, the north one-half of the northeast one-quarter of the northeast one-quarter, the north one-half of the south one-half of the northwest one-quarter of the northeast one-quarter and the north one-half of the south one-half of the northeast one-quarter of the northeast one-quarter of Section 23.

The northwest one-quarter, the northeast one-quarter, the southwest one-quarter and the west one-half of the southeast one-quarter of Section 24.

H. "Chalfant" means that unincorporated area of Mono County in Sections 8, 9 and 17 of Township 5 South, Range 33 East, Mount Diablo Base and Meridian, depicted in the map entitled Prohibited Area 944.010(H)—Chalfant, a copy of

which is reproduced in this chapter of the county code and is attached as Exhibit A to the ordinance that added this subsection to Section 9.44.010.

- I. "Sunny Slopes and Pine Glade" means those portions of Sections 28, 29, 32 and 33 located in Township 4 South, Range 30 East, Mount Diablo Base and Meridian, more particularly described as follows: (1) the west half of Section 28; (2) the east half of Section 29; (3) all of that portion of Section 32 located northerly of U.S. Highway 395; and (4) all of that portion of Section 33 located northerly of U.S. Highway 395.

9.44.020 - Prohibited acts.

No person owning or having possession, charge, custody or control of a dog in the areas June Lake, Hilton Creek, the Mammoth-June Lake Airport, White Mountain Estates, Lee Vining, Wheeler Crest or Chalfant, shall allow the dog to run at large.

9.44.030 - Signs.

The county may post signs giving notice of the leash law requirement in all areas and communities subject to the regulation of this chapter. The failure to post such signs shall not be deemed as a defense for any violation of this chapter.

9.44.040 - Violation—Penalty.

Violation of the provisions of this chapter is an infraction punishable by a fine of not more than fifty dollars for the first offense, and for a second or subsequent offense a fine of not more than one hundred dollars.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Janet Dutcher, Dave Wilbrecht, and Anne Frievalt. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39 - majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Closed Session - Public Employee
Evaluation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrative Officer.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time

Who

Approval



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

TIME REQUIRED

SUBJECT Closed Session - Initiation of
Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
4/12/2021 2:32 PM	County Counsel	Yes
4/15/2021 2:58 PM	Finance	Yes
4/16/2021 1:46 PM	County Administrative Office	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE April 20, 2021

Departments: Community Development

TIME REQUIRED PUBLIC HEARING: 1:00 PM (4 hours) **PERSONS** Wendy Sugimura, Gerry LeFrancois

SUBJECT PUBLIC HEARING: Consideration of
Tioga Inn Specific Plan Amendment
#3 **APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Public hearing regarding Tioga Inn Specific Plan Amendment to amend the 1993 Tioga Inn Specific Plan (1993 Specific Plan and EIR) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, - 025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with 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. The 1993 approvals, which include a two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

RECOMMENDED ACTION:

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 Alternative #7-Hybrid Plan ("Preferred Alternative") (Attachment 1).

Option 1: Approve the Project and Preferred Alternative #7 or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission as revised, or with further modifications; and 2) making the required findings and approving the Project (Preferred Alternative #7) as presented or with further modifications. Direct staff to file a Notice of Determination pursuant to the California Environmental Quality Act.

Option 2 – Deny the Project.

Determine that the unavoidable environmental impacts and risks identified in the Final Subsequent Environmental Impact Report (FSEIR) for the project are not outweighed by the economic, legal, social, technological, or other benefits of the project and deny the project. Additionally, the Board may determine that one or more of the Specific Plan findings in the proposed Resolution cannot be made.

Option 3 – Continue the Public Hearing.

Set a new date and time for a continued public hearing and provide specific direction to staff about actions to take prior to the Board considering the project. Based on currently known Board meeting capacity, the recommendation is for May 11 or May 18 at 1:00 pm.

FISCAL IMPACT:

Project approval would result in increased taxes (property, sales, TOT).

CONTACT NAME: Wendy Sugimura**PHONE/EMAIL:** 760-924-1814 / wsugimura@mono.ca.gov**SEND COPIES TO:**

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> 2 Resolution
<input type="checkbox"/> 3 Tioga Conceptual Plans
<input type="checkbox"/> 4 LADWP Access Letter
<input type="checkbox"/> 5 Tribal Compliance Memo To Board
<input type="checkbox"/> 6 Invitations & Meeting Notes
<input type="checkbox"/> 7 Public comments
<input type="checkbox"/> 8 Public Hearing Notices

History

Time	Who	Approval
4/15/2021 1:46 PM	County Counsel	Yes
4/15/2021 3:38 PM	Finance	Yes
4/16/2021 1:51 PM	County Administrative Office	Yes

Mono County Community Development Department

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

April 20, 2021

To: Honorable Board of Supervisors

From: Wendy Sugimura, Planning Director
Gerry Le Francois, Principal Planner
Michael Draper, Planning Analyst

Re: PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3

I. RECOMMENDATION

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 Alternative #7-Hybrid Plan ("Preferred Alternative") (Attachment 1).

Option 1: Approve the Project and Preferred Alternative #7 or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) adopting the Mitigation Monitoring and Reporting Program as recommended by the Planning Commission as revised, or with further modifications; and 2) making the required findings and approving the Project (Preferred Alternative #7) as presented or with further modifications. Direct staff to file a Notice of Determination pursuant to the California Environmental Quality Act.

Option 2 – Deny the Project.

Determine that the unavoidable environmental impacts and risks identified in the Final Subsequent Environmental Impact Report (FSEIR) for the project are not outweighed by the economic, legal, social, technological, or other benefits of the project and deny the project. Additionally, the Board may determine that one or more of the Specific Plan findings in the proposed Resolution cannot be made.

Option 3 – Continue the Public Hearing.

Set a new date and time for a continued public hearing and provide specific direction to staff about actions to take prior to the Board considering the project. Based on currently known Board meeting capacity, the recommendation is for May 11 or May 18 at 1:00 pm.

II. BACKGROUND AND PREVIOUS BOARD MEETINGS

Direction to staff at the 15 December 2021 meeting was to 1) Provide certainty regarding access to the emergency egress road over Los Angeles Department of Water and Power property, and 2) Meet with the Kutzadika'a Tribe

and applicant to discuss any potential voluntary measures the applicant may agree to in order to address tribal concerns.

All project documentation is available on the project website at <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

REVIEW OF PREVIOUS BOARD MEETINGS

The staff report for the public hearing held at the Board of Supervisors meeting of 29-30 June 2020 included the following information (available at <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>):

- Project Document Availability
- Project Location, Land Uses & History
- Tioga Inn Specific Plan Amendment #3 Project Description, including Alternative #6 which was the preferred alternative at the time
- Environmental Review & Significant Impacts
- Public Hearing Notice & Comments, and Tribal Consultation summary
- Planning Commission Recommendation
- Additional Considerations including those raised by the Eastern Sierra Unified School District, housing demand, and trail and SR 120 crossing
- Recommended Modification(s) including shuttle service mitigation measure modification, corrections to FSEIR visual analysis, Specific Plan modifications, lighting plan amendment
- Proposed Findings
- Attachments & Weblinks to Documents

In addition, several changes were proposed in the PowerPoint presentation to the Board of Supervisors in response to comments including addition of housing prioritization for employees and refinements to individual mitigation measures related to site disturbance, phasing plan, and shuttle, all of which would reduce impacts and were accepted by the applicant. At the meeting, the Board directed several modifications which are carried forward in the 6 August 2020 staff report, and directed a new alternative be crafted by combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative.

The staff report for the public hearing held at the Board of Supervisors meeting on 6 August 2020 (<https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-37>) referred to the June staff report for background information that remained unchanged, and included the following updates:

- Modifications as Directed at the June 29-30 Meeting including mitigation measures related to biological resources, lighting, phasing, and a shuttle service; and project requirements for a secondary emergency access road and to clarify housing occupancy.
- Project Clarifications: roundabout at SR 120/US 395 junction, protections for stockpiled soils, and response to hydrology concern raised in public comment letters.
- Unresolved Issues and Further Modifications, Attachment 5: presentation of Alternative #7-Hybrid Plan, revisions to the visual analysis for Alternative 6, and the environmental impact analysis for Alternative #7-Hybrid Plan.
- Unresolved Issues and Further Modifications, Attachment 6: phasing of grading, evacuation routes to SR 120 and US 395, propane tank location, connectivity trail, deed restriction of units and a summary of and responses to Lee Vining Fire Protection District concerns.
- Public Hearing Notice & Comments

Following the 6 August 2020 Board meeting and at the request of Supervisor Stump, a memorandum was sent to Supervisors regarding the “Expectation of Level of Detail in Specific Plan Site Plans.” The memorandum reviews the hierarchy of planning documents used to regulate development and the specific plan’s place within that hierarchy, the role of specific plans specifically within Mono County planning regulations, typical expectations of site plan detail, and staff determination of compliance with the site plan. The memorandum is available on the project webpage at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

The staff report for the public hearing held at the Board of Supervisors meeting on 13-14 October 2020 (<https://monocounty.ca.gov/bos/page/board-supervisors-89> and <https://monocounty.ca.gov/bos/page/board-supervisors-continuation-october-13-regular-meeting-tioga-inn>) referred to the previous staff reports for background information that remained unchanged, and included the following updates:

- Refined layout for each of the three project phases and an explanation of the “substantially compliant” standard to evaluate consistency of the final site plan with the Specific Plan.
- Refined Landscape Concept Plan identifying the number, size, location and species of trees to be planted; a mitigation measure providing for the timing of plantings and monitoring of survival; and description of screening efficacy.
- Clarification of proposed grading and required infrastructure for each phase.
- List of “voluntary” project measures agreed to by the project proponent.
- Issues for discussion including hydrology concerns, propane tank usage and location, affordable housing, evacuation route to US 395, Lee Vining Fire Protection District concerns, connectivity trail, and refined Alternative #7-Hybrid Plan.
- Attachment 6 included a summary of policy points and issues resolved at the 6 August 2020 Board meeting, which were carried through the project as described in the 13-14 October 2020 staff report.
- Public comments and select responses to comments as requested by the Board (Attachment 7).

The staff report for the public hearing held at the Board of Supervisors meeting on 15 December 2020 (<https://agenda.mono.ca.gov/agendapublic/MeetingView.aspx?MeetingID=726>) referred addressed pedestrian connectivity and tribal coordination issues.

CEQA CERTIFICATION

At the 20 October 2020 meeting, the Board of Supervisors adopted Resolution R20-96 certifying the Tioga Inn Specific Plan #3 Final Subsequent Environmental Impact Report (FSEIR) and making required findings as set forth in the Resolution (<https://monocounty.ca.gov/bos/page/board-supervisors-100>).

III. PROJECT DESCRIPTION

PROJECT SITE AND HISTORY

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 subject property consists of four parcels and totals approximately 67 acres in size. 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).

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. These approved components can be constructed regardless of the outcome of the proposed housing project. 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.

The first amendment to the Tioga Inn Specific Plan was approved in 1995 and 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. The second amendment in 1997 included the following:

- 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.

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.

PROJECT OBJECTIVE

The Tioga Inn Specific Plan objective approved in 1993 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.

PROJECT DESCRIPTION

The proposed Project 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.

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;
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 on-site heating;
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.

PREFERRED ALTERNATIVE: ALTERNATIVE 7-HYBRID PLAN

The preferred alternative for the Tioga Community Housing Project, "Alternative #7-Hybrid Plan," consists of project elements previously analyzed as Alternative 6 and the Cluster Alternative, with refinements directed by the Board. The plans (Attachment 3) are presented as the "Alt #7 Housing Concept Site Plan" (Alt #7 Concept Site Plan) with a plan sheet for both the full site and zoomed in on the community housing area, and "Landscape Concept Plan," and primarily address the following issues:

LAYOUT: Building layout has been refined for each of the three project phases. Future building permit application submittals must be deemed "substantially compliant" with the Alt #7 Concept Site Plan by the Community Development Department.

- **Phase 1:** Phase 1 contains the 30 units that, unscreened, would be least visible (without screening) from offsite locations. Phase 1 will consist entirely of small units including studios, 1-bedroom, and 2-bedroom units, with a combined maximum total of 38 rooms, the majority of which will be designed as individual stand-alone and detached units. A small percentage of units are likely to be two-unit attached structures (e.g., duplexes). All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 30 of the Phase 1 units are located on the lower-elevation eastern row of housing units.
- **Phase 2:** Phase 2 consists of up to 70 units identified on the Alt #7 Concept Site Plan as Phases 2 and 3 (30 units previously identified in Phase 3), and may consist of studios, 1-bedroom units, 2-bedroom units, and the Manager's Unit. The design, layouts, and form of the 30 units previously included in Phase 3 remains flexible within specified parameters that limit environmental impacts to those analyzed in the FSEIR to allow future

construction of multi-unit structures, individual units, or a mix. The final layout will be designed in response to demand for onsite housing and demographic characteristics of future tenants, which is unknown at this time. As with Phase 1, most of the Phase 2 units are expected to be stand-alone and detached structures; a small number of the studio units would be designed as two-unit attached structures. All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. The Phase 2 units are located on the northern half of the lower-elevation eastern row and on the higher-elevation western row, except the Manager's Unit which is located outside the building footprint to the west of the housing area.

LANDSCAPING: The Landscape Concept Plan (Attachment 3) identifies the number, size, location and species of trees to be planted and is specifically designed to assure comprehensive screening of project elements which would otherwise be visible from offsite locations including South Tufa, Navy Beach, and US 395. Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping) provides for the timing of the plantings and monitoring to assure plant establishment and survival. The Plan was prepared by Bob Weiland of Weiland Design Group, Inc., who specializes in landscape architecture.

IV. EMERGENCY EGRESS ROAD ACCESS OVER LADWP PROPERTY

The applicant, Mr. Domaille, contacted the Los Angeles Department of Water and Power (LADWP) about continued use of the existing Gibbs Siphon Road as a secondary emergency egress road for the Tioga Inn Project. Mr. Domaille received a letter of consent from LADWP dated 11 February 2021 (Attachment 4) granting continued access subject to the following conditions:

- Mr. Domaille will install a carousel-type lock system on the access gate allowing LADWP to install its own lock for access purposes.
- LADWP reserves the right to revoke consent, in which case the road shall be relocated to the easement area conveyed by Southern California Edison (SCE) to Mr. Domaille within six months and any road improvements shall be removed from LADWP property.
- An indemnify and hold harmless clause.

To ensure the lock system will not be an impediment to egress traffic, a condition that any gate on the egress road be designed as a break-away type of gate is recommended as follows:

Project condition of approval: Any gate(s) installed on the emergency egress road shall be designed as a break-away gate to ensure locks do not impede egress access.

The SCE easement is in the process of being finalized and has been fully described in previous staff reports and the certified Final Subsequent Environmental Impact Report (FSEIR). Because the road crosses the properties of both Mr. Domaille and LADWP and permission from both parties is necessary for either to use the road, both parties have a mutual interest in providing access.

V. KUTZADIKA'A TRIBE COORDINATION

At the 15 December 2020 Board meeting, the primary concerns raised regarding Kutzadika'a Tribe coordination included 1) the need for tribal consultation, 2) provision of more time for the Tribe to meet with the applicant, and 3) coordination with the State Attorney General's office to ensure Mono County's compliance with state laws.

Tribal invitations to consult are required under state laws SB 18 and AB 52 which, as described below, were met by Mono County. No consultation request was received from the Kutzadika'a Tribe in response to AB 52. Consultation was, however, completed under SB 18 and the consultation topics were defined by the Tribe. All consultation requirements were followed and met by Mono County.

Outside of formal consultation as defined by state laws, any tribe may participate in the public process on a project and comment as a member of the public. While such discussions may not have the same structure as formal consultations under state law, they are still important and taken seriously. The distinction that the County has complied with consultation requirements is an important point, however, as misinformed public comment continues to be received.

GENERAL TRIBAL CONSULTATION REQUESTS, HISTORY AND THE ATTORNEY GENERAL'S OFFICE

Following the discussion at the Board's fourth public hearing on the Tioga Inn Specific Plan Amendment on 15 December 2020, Chair Kreitz requested a memorandum explaining tribal consultation requirements under AB 52 and SB 18, and the County's compliance with these requirements. On 19 February 2021, staff provided a memorandum which provided a complete timeline and clarifications of previously published staff reports (Attachment 5). The memorandum was also sent to the Kutzadika'a Tribe and the Attorney General's (AG's) office. The Tribe and the AG's office acknowledged receipt, and the AG's office replied that they would follow up if they had any questions. County Counsel Simon followed up with the AG's office in early March and Community Development Director Sugimura spoke with the AG's office on 13 April 2021. Staff's understanding is that the AG's office has reviewed the information in the February memorandum and the calendar of events below, and is not taking a position on the project at this time and has no further information to provide.

The conclusion of the memorandum is that the County met all legal requirements under AB 52 and SB 18 in addition to engaging in discussions and communication going "above and beyond" legal requirements to address Kutzadika'a concerns regarding tribal cultural resources.

A summary of key points from the memorandum is provided below for convenience:

- **AB 52 Compliance:** The County sent AB 52 consultation request letters in April 2018 to the Washoe Tribe and Kutzadika'a Tribe, and no responses were received within 30 days. The County has complied with AB 52.
- **SB 18 Compliance:** It is unclear whether SB 18 applies to a specific plan amendment; however, if it does apply, the County has complied with its requirements. The County sent the Mono Lake Kutzadika'a Tribe a notice offering consultation under SB 18 in June of 2019 and the Tribe requested consultation in August 2019. Consultation occurred over the five-month period from August 2019 to January 2020 and concluded with the Tribe formally accepting the mitigation measure proposed by the County (and voluntarily agreed to by the applicant) to provide 50-hours of compensation for tribal monitors and tribal approval of any archaeologist evaluating discovered resources. The County has complied with SB 18, even if not applicable.
- **Initiation of Contact:** The County's CEQA consultants, on behalf of the County, first contacted the Kutzadika'a Tribe in February 2018. The Tribe and County met in person to discuss the project in January 2019 outside any formal consultation process and therefore beyond any legal requirements.
- **August 2019 Consultation:** In advance of consultation, the Tribe identified two topics for discussion: 1) "the importance of compensating tribal monitors," and 2) "potential impacts on the well of neighboring Indian allotment holders." The County and Tribe met to consult in August 2019, followed by email correspondence. The Tribe approved revisions to the tribal monitoring mitigation measure via a 13 January

2020 email from the Tribal attorney. The concerns about the well were addressed through a response in the Final Subsequent EIR (FSEIR; February 2020). Further responses were subsequently provided in staff reports (August 2020) and a direct email to Chairwoman Lange (September 2020) summarizing the FSEIR and staff report information. No further concerns or requests for discussion were raised about the well by the Tribe. Therefore, consultation was concluded under the following definition: “1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists to a tribal cultural resource.” To be clear, no significant effect to a tribal cultural resource (TCR) existed, no substantial evidence of a TCR or impact was provided during consultation, an agreement on a revised mitigation measure was reached (despite no significant effect), and the Tribe acknowledged the well impact analysis and indicated no further requests for discussion.

- **Planning Commission Public Hearing:** No comments from the Tribe were received at the Planning Commission public hearing in April 2020.
- **Further Comments from the Tribe:** Comments received from tribal members in June 2020 were a list of topics already addressed in the FSEIR with no additional specifics to which the County could respond. Further comments from Tribal leadership were not received on the project until during and after the August 2020 Board of Supervisors meeting. In response, the August staff report specifically addressed water usage, water quality, and well impacts in addition to the CEQA analysis. The October staff report provided a tribal outreach timeline, including a list of meetings between the County and Tribe. The County emailed a response with an analysis concluding no potential impacts to the well of concern, for which the Tribe thanked the County and raised no further concern. The County emailed another response explaining the archeological studies that were completed, why isolated cultural artifacts found onsite were not considered an impact, that no further evidence has been provided regarding tribal cultural resources, that all cultural resource impact analysis and tribal consultation requirements were followed in the 1993 approval, that the 1993 approval is not part of the project and is not under consideration, existing regulations and requirements relating to safety/security and parking, and that no evidence is provided that the referenced cry dance occurred on the project site. However, the County identified potential solutions by offering assistance to locate and establish a Cry Dance site elsewhere and advocate for federal tribal recognition, and also asked the Tribe to propose any specific addition mitigations. No response was received indicating a need for additional follow up or discussion prior to the October Board meeting.
- **Tribe Request to Meet with the Applicant:** At the 13 October 2020 Board of Supervisors meeting, the Tribe requested to meet directly with the applicant. Staff and the applicant were both surprised as neither had been aware of this interest by the Tribe previously. The request was unusual because it fell outside the typical government-to-government framework for discussions but the County, in an effort to accommodate the Tribe, agreed without hesitation. Chairwoman Lange and Mr. Domaille scheduled an onsite visit and Mr. Domaille informed staff, who planned to attend. Unfortunately, inclement weather cancelled the meeting.
- **Tribal Request for Additional Environmental Analysis:** The Tribe submitted a letter stating for the first time that the project site had been used by tribal members as a pathway for annual trading journeys over the Sierra and that the site was part of a “cry dance district” at the 15 December 2020 Board of Supervisors meeting and requested further environmental analysis. However, because this information would have been known by the Tribe prior to certification of the SEIR in October, but was not presented, the County is prohibited from reopening or recirculating that SEIR, or preparing a subsequent or supplemental EIR under Public Resources Code § 21166 and CEQA Guidelines §15162, §15163, or §15088.5.

TOPICS IDENTIFIED FOR POTENTIAL PROGRESS

To follow Board direction from the 15 December 2020 meeting, staff immediately contacted Tribal Counsel on 23 December 2020 to schedule a meeting with the Tribe, applicant, and County. The Tribe and County agreed to postpone until after the holidays, and County staff again contacted Tribal Counsel on 7 January 2021. A tentative

meeting for 14 January 2021 was scheduled and, although the County offered to invite the applicant, the Tribe asked that he not be included.

After the 14 January 2021 meeting, which staff believed had been extremely productive and collegial, notes were drafted and reviewed by the Tribe and its counsel as a record of the discussion. The following tasks were agreed upon for future follow up:

- Develop an AB 52 Tribal Consultation Policy/Protocol for future projects; Tribal Counsel to take the lead.
- Seek funding for a Mono Basin-wide (or larger if needed) tribal cultural resources study to enhance shared understanding and inform future decision making; both parties to investigate opportunities.
- Tribal members and legal representatives to review points from the meeting and reconvene whole group for follow-up discussion and tribal response.
- If Tribe confirms interest in requesting voluntary measures from property owner, then schedule meeting with property owner to discuss; participants unclear at this time and to be determined later.
- Identify cry dance location; County to consider Conway Ranch (which was completed and communicated to the Tribe) and reach out to federal agencies and possibly LADWP for options.
- Tribe to request policy consideration from Board to prepare subsequent or supplemental EIR; timing not determined.

Although the request to the Board to prepare a subsequent or supplemental EIR is in the meeting notes, County Counsel subsequently clarified to Tribal Counsel via email that the Board does not have discretion to reopen the FSEIR because the trail and cry dance issues were known but not timely presented prior to certification.

Following this meeting, County staff began following up with Tribal Counsel on a meeting with the applicant and/or a follow-up meeting; please see the timeline referenced below.

REQUEST TO MEET WITH APPLICANT

The following timeline provides a description of the activities beginning with the first time the Tribe requested to meet with the applicant in October 2020. The emails and letters cited are available by request from the Community Development Department but were not necessarily included due to length.

Date	Description
13 October 2020	At the Board’s public hearing, the Tribe requested a meeting with the applicant (Mr. Domaille), to which the County and applicant both agreed. Staff and the applicant had been previously unaware of this desire by the Tribe. The request falls outside of any standard engagement framework with a tribe but was granted without hesitation.
October-December	Ultimately, through no fault of either party, the scheduled onsite meeting was cancelled due to inclement weather and a Board of Supervisors meeting was scheduled before the end of the year to consider the project before a change of supervisors occurred in 2021.
15 December 2020	The Board requested the Tribe, Mr. Domaille, and County meet and discuss the potential for any voluntary measures by the applicant that would address tribal concerns.
23 December 2020	County staff initiated a meeting request by email with Tribal Counsel; the parties agreed to postpone until after the holidays.
7 January 2021	County staff again initiated a meeting request by email with Tribal Counsel. A tentative date of 14 January was set.
8 January 2021	Mr. Domaille invited Chairwoman Lange to meet via email (Attachment 6). Chairwoman Lange declined, citing COVID concerns, and stated she is working on another way to

	meet. Mr. Domaille replied he remains willing to meet and she should contact him at her convenience. Mr. Domaille has not received any further communication from the Tribe.
11 January 2021	County Counsel offered via email to invite Mr. Domaille to the County/Tribe meeting scheduled for 14 January. Tribal Counsel asked that he not be invited, citing the need to discuss issues broader than just Tioga Inn.
14 January 2021	In the meeting between the County and Tribe, the Tribe expressed uncertainty about meeting with Mr. Domaille, which was the first time County staff had heard of this concern. Meeting notes (Attachment 6), which were reviewed by the Tribe and its counsel, state the following: <ul style="list-style-type: none"> • <i>If Tribe confirms interest in requesting voluntary measures from property owner, then schedule meeting with property owner to discuss</i> <ul style="list-style-type: none"> ○ <i>Unclear at this time who would be involved in such a meeting. Can be determined later.</i>
21-25 January 2021	Email correspondence between Mono County and Tribal counsels clarified that 1) any agreement between the developer and Tribe would be adopted in the specific plan and fully enforceable by the County, 2) reopening the EIR is not a legal option for the County, and 3) the County is open to providing a Cry Dance site location at Conway Ranch.
22 January 2021	County Counsel noted in an email to Tribal Counsel: "...if you confirm your willingness, we will get a meeting with Dennis set up."
4 February 2021	County Counsel sent a follow up email to Tribal Counsel asking about a follow-up meeting. No response was received.
9 February 2021	County Counsel followed up again by email and received a response from Tribal Counsel that the Tribe is "hesitating" about having to work through issues with the developer. Tribal Counsel stated she would "share with the Tribe the need to make a decision on how they want to move forward given that their decision impacts the overall process on the Project..."
8 March 2021	A joint letter from the Mono Lake Committee and Tribe (Attachment 6 was received containing the following statements: <ul style="list-style-type: none"> • "Although the Board's actions last fall ... were taken to encourage the Tribe and applicant to work together ... the Tribe objected to working with the applicant and not the County on its concerns as set forth in its December 14th letter." • "...negotiations with the developer cannot satisfy the County's obligation to consult with the Tribe." • "Discussions with the developer have also proven to be logistically difficult, given the sensitive nature of the discussions, which are more conducive to in-person meetings, the winter weather, and, of course, the pandemic." <p>As previously stated, formal consultation as required by state laws were completed. Further, except for the hesitancy expressed at the 14 January 2021 meeting and in subsequent emails, the County has no other record of the Tribe "objecting" to working with the applicant. In fact, the record from the October and December 2020 meetings contains requests from the Tribe to meet specifically with the applicant. Regardless, this letter indicated the Tribe was not interested in meeting with Mr. Domaille and did not contain a request to meet with the County either in response to the County's previous invitations or to further discuss areas of potential progress that were identified in the 14 January meeting. Therefore, meeting further was not warranted and arrangements were initiated to schedule the next public hearing on the Tioga Inn project.</p>

19 March 2021	In a phone call, Supervisor Gardner informed Community Development Director Sugimura that the Tribe advised him verbally that they wish to meet with Mr. Domaille and would attempt to do so by mid-May. Given the lack of response to the County's inquiries and the Tribe's position in the 8 March joint letter, Ms. Sugimura asked Supervisor Gardner for a written statement from the Tribe requesting the meeting and their desired outcomes.
30 March 2021	The Tribe submitted a letter requesting to meet with Mr. Domaille to Supervisor Gardner, which Supervisor Gardner forwarded to Ms. Sugimura that evening.
1 April 2021	Given 31 March was a County holiday, Ms. Sugimura responded to the Tribe by email on 1 April that the 20 April public hearing for the project had already been arranged, and Mr. Domaille is willing to meet and is awaiting an invitation at the Tribe's convenience.
6 April 2021	The Board received a letter from the Mono Lake Committee requesting a workshop on their 8 March joint letter with the Tribe prior to a public hearing on the project. This request was new and had not been included in the 8 March joint letter. Chair Kreitz responded that both the 8 March and 6 April letters would be agendaized on 20 April, which would allow the Board to discuss them in compliance with the Brown Act.
13 April 2021	Correspondence was received that the Tribal Council reports the ground at the project site is wet and muddy, and "they remain concerned about the COVID risks to themselves and elderly tribal members who will be participating in the site visit. Two Tribal Council members have just had 5 family members who tested positive for COVID. The Council stands by the May schedule agreed to with Supervisor Gardner."

The 6 April letter from the Mono Lake Committee expressed an opinion that the Community Development Department should "engage over the coming weeks to play a helpful role in scheduling an agreeable safe date, developing an agenda, and facilitating the meeting and post-meeting follow up actions." The Community Development Department has been fully engaged in all the efforts listed above by the County and to imply that a sufficient effort has not been made is contrary to the facts.

In their 30 March letter, the Tribe cited concerns about snow coverage on the site in addition to COVID as reasons to delay meeting. However, Mr. Domaille provided photos that were sent to the Tribe of no snow on the property that would impede a physical visit. Regarding COVID, the County recognizes that COVID risk is certainly a legitimate concern. At the same time, the County cannot stop conducting business, particularly for housing projects which are considered priorities by the State (and County), and are considered to be essential businesses that should continue in a safe manner during the pandemic. Staff has continued to work with applicants and members of the public during the pandemic by taking precautions approved by the Public Health Department. An outdoor meeting with all participants wearing masks and maintaining physical distancing is a very low risk situation, and vaccinations have become widely available in Mono County during the last four months which further reduces risk to all involved. Regardless, the County would not wish to place anyone in danger from COVID risk and while a virtual setting is not ideal, an initial conversation could have been valuable to explore positive pathways forward until an on-site meeting could be held, but none of the invitations for any type of discussion beyond the 14 January meeting, whether with the County or the applicant, were accepted by the Tribe.

Given this history, the County responded to the 30 March letter by asking the Tribe to set the meeting date as none of the offers by the County or applicant have been accepted. County staff feels every effort has been made to schedule meetings and identify topics for future discussion with no success, and therefore the Tribe should indicate when they are ready to meet by extending an invitation. County staff would participate in any discussions with the Tribe and the applicant; no indication has been given otherwise.

The Board has the option of continuing the public hearing to a meeting date in May, or the Board could take action on the project. If the Board wishes to approve the project and leave the option available for the Tribe and applicant to meet, a condition could be added to the project that would recognize any resulting agreement as enforceable through the specific plan, as follows:

Project Condition: If desired, the Kutzadika'a Tribe may extend an invitation to the applicant to meet and consider measures to address the Tribe's concerns, and the applicant shall accept. Any agreement(s) submitted to the County within six months of the approval of the Tioga Inn Specific Plan Amendment #3 that is/are 1) legal, 2) within the County's jurisdictional authority, 3) signed by both the Tribe and applicant shall be retroactively incorporated into and enforceable through the approved Specific Plan, and 4) do not result in changes to the project that would require additional environmental review under CEQA unless such review has been completed to the satisfaction of the County or the applicant makes a binding commitment to fund and participate in such review prior to the new measure being added to the Specific Plan.

TRIBAL COMMENT LETTERS

A total of four comment letters have been received from the Tribe or tribal members since the December Board meeting (Attachment 7):

1. Comment letter from Mr. John Dondero
2. Joint letter from the Mono Lake Committee and Kutzadika'a Tribe
3. Kutzadika'a Tribe response to Mr. Dondero
4. Kutzakida'a Tribe letter requesting a meeting with the applicant

Mr. John Dondero, a Kutzadika'a tribal member born and raised in the Mono Basin, submitted a comment letter with information contradicting the Tribe's identification of the ancestral trail to Yosemite and the cry dance location. He describes the ancestral trail used by the Kutzadika'a Tribe as connecting to the Bloody Canyon trail well to the west of the Tioga Inn parcel (see map in his comment letter) and then running further north than the project parcel. He identifies the cry dance referenced in previous Kutzadika'a Tribe comments as one that was held for his family member, and he states cry dance locations are unique to each individual and family and that a centralized "cry dance" site would not be appropriate under the Kutzadika'a's spiritual beliefs. Mr. Dondero authorized the release of the information he provided to the County. Like the Tribe, Mr. Dondero also requested to meet with staff on the project site to show his remarks, and therefore three Mono County Community Development staff and the applicant met Mr. Dondero on site on 21 January 2021. All participants wore masks and maintained physical distancing in an outdoor setting. At this meeting, Mr. Dondero specified the cry dance site for his family member was located to the north of the project parcel on the SCE property across SR 120. Mr. Dondero does not have a personal phone, email address or computer, and communications and arrangements were made when he was able to borrow a relative's phone, by postal mail, and more recently through correspondence with his niece via email.

The joint letter from the Mono Lake Committee and Tribe dated 8 March 2021 made two claims: 1) The Tribe's concerns regarding impacts to cultural resources have not been resolved, and 2) New information shows that Caltrans supports development of a pedestrian trail into town, and therefore supplemental environmental review is required. With respect to the first claim, the County has addressed, and resolved where feasible, all Tribal concerns that were timely raised, and consultation requirements under AB 52 and SB 18 have been met. As for the information regarding trails and a cry dance site on the project property which was presented after FSEIR certification, the County does not have the discretion to reopen the FSEIR or require preparation of a supplemental EIR. This was explained to the Tribe through follow up to the 14 January meeting and included in the 19 February memorandum to the Board, which was also provided to the Tribe. The only available option to the Tribe is to

negotiate voluntary measures with the applicant, which the County has tried to impart to the Tribe directly and through its legal counsel, in addition to the many attempts to schedule a meeting between the Tribe and applicant. Regarding the second point about the pedestrian trail now being feasible, support by Caltrans for the trail was reported at the October meeting when the FSEIR was certified and was not the only project barrier. The joint letter itself acknowledges that funding is needed to complete the project, and this one fact is enough to continue to define the mitigation measure as infeasible, although other reasons also exist. In short, this claim has no merit.

The Kutzadika'a Tribe responded to Mr. Dondero's comment letter dated 24 March 2021 that he does not represent the Tribe. The fact that Mr. Dondero does not officially represent the Tribe does not diminish the specific and substantive nature of Mr. Dondero's comments on tribal cultural resources nor their credibility, particularly given he was raised on lands in the area of the project and has a personal connection to the cry dance in the area.

The 30 March request from the Tribe to meet with the applicant is more fully described and addressed above. The Board has the discretion to delay the public hearing to a meeting in May if it wishes to grant the Tribe more time to meet with the applicant and County.

VI. PUBLIC HEARING NOTICE & COMMENTS

A public hearing notice was published in The Sheet on 3 and 10 April 2021 (Attachment 8) and a courtesy notice was sent to the Mono Basin Regional Planning Advisory Committee (RPAC) on 7 April 2021. Notices were also sent to adjacent property owners at least 10 days in advance of the hearing and emails were sent to service providers that may be affected.

Written public comments received at the time this staff report was drafted are included in Attachment 7. Public comments received after this staff report was written will be provided to the Board prior to the close of the public hearing.

MONO LAKE COMMITTEE COMMENT LETTERS

The Mono Lake Committee (MLC), as of the drafting of this staff report, submitted two comment letters. The first was a joint letter with the Kutzadika'a Tribe and is addressed above under Tribe Comments. The second letter requested a focused discussion of three topics in advance of a public decision-making hearing on the project:

1. Authorization of supplemental environmental analysis to address significant new information on tribal cultural resources and the feasibility of pedestrian safety mitigations,
2. The long-pending meeting of the tribe and developer to discuss the project. The COVID pandemic has caused understandable delays, yet the MLC understands a meeting in May is possible.
3. Resolution of the concerns raised by the Attorney General's office at the December hearing. These have not yet returned to the Board for further discussion and resolution in a public forum.

The letter goes on to state that the April hearing would "sideline the Kutzadika'a Tribe and the promised conversations regarding cultural resources." The letter also states that the Tribe has "significant legitimate concerns about the safety of its elders at meetings during the covid pandemic."

All three topics are already addressed above, however the following responses are offered to provide a direct response and some additional detail:

1. As stated above in response to tribal concerns, and has been stated to the Tribe both in meetings and in writing, and as described in the 19 February memorandum to the Board, the County has addressed all timely raised tribal concerns and the County does not have the discretion to open the SEIR certified in October, recirculate that EIR, or prepare a subsequent or supplemental EIR based on CEQA Guidelines §15162, §15163, or §15088.5 because the tribal cultural resources in question were known before the FSEIR was certified but not submitted prior to certification. The claim that the pedestrian pathway mitigation measure is now feasible because Caltrans District 9 staff has indicated support for it has no merit due to lack of funding to implement the mitigation measure, as discussed above, because a significant portion of the impacts sought to be mitigated constitutes an existing condition and therefore is not attributable to, and cannot be funded by, the project. In addition, a feasible alignment, whether in Caltrans right-of-way or across Southern California Edison (SCE) land, is also unknown and an easement for passage, which would likely take several years, has not been granted by SCE. Caltrans has expressed concerns in staff-level discussions about the grade of an on-system sidewalk meeting the requirements of the Americans with Disability Act (ADA), in addition to not having completed an initial project analysis to determine any other barriers.
2. The timeline recounted above describes the efforts to arrange a meeting with the applicant or include the applicant in scheduled meetings in order to have a conversation with the Tribe. Regarding COVID, the County recognizes that COVID risk is certainly a legitimate concern. At the same time, the County cannot stop conducting business, particularly for housing projects which are considered priorities by the State (and County) and are considered to be essential businesses that should continue in a safe manner during the pandemic. Staff has continued to work with applicants and members of the public during the pandemic by taking precautions approved by the Public Health Department. An outdoor meeting with all participants wearing masks and maintaining physical distancing is a very low risk situation, and vaccinations have become widely available in Mono County during the last four months which further reduces risk to all involved. Regardless, the County would not wish to place anyone in danger from COVID risk and while a virtual setting is not ideal, an initial conversation could have been valuable to explore positive pathways forward until an on-site meeting could be held, but none of the invitations for any type of discussion beyond the 14 January meeting, whether with the County or the applicant, were accepted by the Tribe.
3. The Attorney General was discussed above, and the AG's office is not taking a position at this time on the project and has no further information to provide. As documented in the 19 February 2021 memorandum to the Board, Mono County has met the legal requirements of AB 52 and SB 18 (which may not even apply to the project).

VII. REVISIONS & FINDINGS

The Resolution (Attachment 2) lists in Section One the mitigation measures and specific plan conditions incorporated since the project was presented to the Planning Commission in April 2020 to ensure a clear understanding of project modifications. The two additional specific plan conditions suggested in this staff report are not included in the Resolution, however. If a motion is made to approve the project, any conditions the Board wishes to include should be stated in the motion. The suggested inclusions are compiled here for convenience:

- Any gate(s) installed on the emergency egress road shall be designed as a break-away gate to ensure locks to not impede egress access.
- If desired, the Kutzadika'a Tribe may extend an invitation to the applicant to meet and consider measures to address tribal cultural resource concerns, and the applicant shall accept. Any agreement(s) submitted to the County within six months of the approval of the Tioga Inn Specific Plan Amendment #3 that is/are 1) legal, 2) within the County's jurisdictional authority, and 3) signed by both the Tribe and applicant shall be retroactively incorporated into and enforceable through the approved Specific Plan, and 4) do not result in

changes to the project that would require additional environmental review under CEQA unless such review has been completed to the satisfaction of the County or the applicant makes a binding commitment to fund and participate in such review prior to the new measure being added to the Specific Plan.

Further, a condition memorializing the applicant's indemnification requirements as agreed to upon project application is recommended as follows:

- Defense and indemnification as set forth in paragraph 8 of the County's "Agreement for the Provision of Project Evaluation, Environmental Review, and Processing Services," which has been signed by the applicant, is required.

The Resolution also contains findings to make the statement of overriding considerations for the project, and findings necessary to adopt a specific plan amendment.

VIII. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Tioga Inn Specific Plan Amendment #3, along with other project documents, are available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Proposed Resolution R20-__ Adopting Tioga Inn Specific Plan Amendment #3 and the Mitigation Monitoring and Reporting Plan
3. Alternative #7-Hybrid Plan concept site plans and concept landscape plan
4. Los Angeles Department of Water and Power Consent Letter
5. Memorandum to the Board of Supervisors Regarding County Compliance with AB 52 and SB 18 State Laws on Tribal Consultation
6. Invitation to Tribe from Mr. Domaille, Meeting Notes Between Tribe and County (14 January 2021)
7. Public comments
8. Public hearing notice



RESOLUTION R21-__

**RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
ADOPTING TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND MITIGATION MONITORING
AND REPORTING PROGRAM**

WHEREAS, the Tioga Inn Specific Plan was originally approved and adopted in 1993, and thereafter was amended in 1995 and 1997, and then modified pursuant to a Director Review approval in 2012; and

WHEREAS, the 1993 Specific Plan authorizes 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, the project application was deemed complete in July 2016 and, 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, in response to public comment and suggestions, the project was re-titled the Tioga Community Housing Project in February 2020, and included a new Alternative #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced visual and other impacts, and included other project changes; and

WHEREAS, at the 29-30 June 2020 meeting, the Board of Supervisors directed another alternative be developed that consisted of elements previously analyzed under Alternative 6 and the Cluster Alternative. This new alternative was accepted by the applicant and presented as Alternative #7-Hybrid Plan for consideration at the 6 August 2020 Board meeting; and

WHEREAS, the Board of Supervisors selected Alternative #7-Hybrid Plan as the preferred alternative at meetings on the 6 August and 13-14 October 2020 and provided additional direction for refinements; and

WHEREAS, on 16 April 2020, the Planning Commission held a duly noticed public hearing regarding Tioga Inn Specific Plan Amendment #3 and the Final Subsequent Environmental Impact Report (FSEIR), received approximately seven hours of public testimony and approximately 150 written comments, and recommended the adoption of the preferred alternative at that time to the Board of Supervisors by adopting Resolution R20-01; and

1 **WHEREAS**, on 29-30 June, 6 August, 13-14 October, 15 December, 2020, the Board of Supervisors
2 held duly noticed public hearings regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR and
provided additional direction to staff; and

3 **WHEREAS**, on 20 October 2020, the Board of Supervisors adopted Resolution R20-96 certifying the
4 Tioga Inn Specific Plan Amendment #3 FSEIR, making all required findings and adopting the statement of
5 overriding considerations;

6 **NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY**
7 **FIND AND RESOLVE AS FOLLOWS:**

8 **SECTION ONE:** Having reviewed and considered the analysis in the staff report, all information and
9 evidence in the record and testimony provided in the public hearings, the Board of Supervisors directs that the
10 refinements below are hereby incorporated into the Tioga Inn Specific Plan Amendment #3 and Mitigation,
11 Monitoring and Reporting Plan (MMRP). These same refinements were incorporated into the certified Final
12 Subsequent Environmental Impact Report (FSEIR) and Findings of Fact. The Tioga Inn Specific Plan
13 Amendment #3 and the MMRP are included as **Exhibit A** and incorporated herein by this reference. The 1993
Tioga Inn Specific Plan and FEIR is available on the Community Development page of the Mono County
website at <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> and incorporated
herein by this reference.

- 14 A. Staff is authorized to make corrections to the SEIR that do not affect project substance or meaning,
15 such as grammatical and typographical errors, numbering corrections, formatting changes, etc.
- 16 B. Add: The description, analysis, and plan sheets (full site concept plan, housing concept plan, and
17 landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from
18 Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred
19 alternative.
- 20 C. Add: Each housing phase and building permit application (if filed separately from a complete phase)
21 shall receive a separate will serve letter from the applicable fire protection jurisdiction.
- 22 D. Add: The property owner voluntarily proposed and agrees to prefund an update to the Lee Vining Fire
23 Protection District (LVFPD) development impact fee structure (nexus study) in response to currently
24 unquantified LVFPD capital improvement needs. The cost associated with this development impact
25 fee structure update (nexus study) will be credited back to any outstanding LVFPD impact fees
26 imposed on the project as a result of this updated study. This obligation shall inure to any future
property owner.
- 27 E. Add: The property owner voluntarily proposed and agrees to host a fundraising and recruiting event
28 to encourage donations and volunteers to support LVFPD. This obligation shall inure to any future
29 property owner.
- 30 F. Add: Mitigation monitoring and reporting is a project requirement under CEQA. The County requires
that costs associated with the implementation, monitoring and/or compliance with the Tioga Inn
Community Housing Specific Plan, which may be performed by staff or County contractors, shall be
paid for by the property owner.

G. Add the following species to the Plant Palette:

Tree	White Birch	<i>Betula Pendula</i>
Tree	Limber Pine	<i>Pinus Flexilis</i>
Tree	Ponderosa Pine	<i>Pinus Nigra</i>
Tree	Austrian Pine	<i>Pinus Ponderosa</i>
Tree	Colorado Spruce	<i>Picea P 'Dark Green & Blue'</i>
Tree	Colorado Spruce	<i>Picea Pungens 'Fat Albert'</i>
shrub	Red Twig Dogwood	<i>Cornus Sericea 'Bailey'</i>
groundcover	Hancock	<i>Symphoricarpos x Chenaultii</i>

H. Add Secondary Fire Access map:

(https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf).

I. Add: The Open Space-Support designation shall also permit construction and maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

J. Eliminate the commercial propane service and relocate the propane tank to the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways.

K. Add: Onsite employees shall have first priority for vacant housing units, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

L. Add: Automated External Defibrillator (AED) units shall be provided on the community housing site in compliance with standards established by the American Heart Association, including use of a 3-minute maximum response time to determine the required number of AED units and where the units should be located on the project site.¹

M. Add: The property owner shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, 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 and results provided to Mono County Public Health.

N. Add: If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan may be modified by discretionary action of the Board to allow the road and to state: “other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”

O. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors

¹ American Heart Assn. pamphlet, *Implementing an AED Program*, 2/12/2012

meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting.

- P. Add: Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- Q. Refine Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.
- R. Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.		
Phase	# Units	Schedule
1	70	The 70 Phase I units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.
2	30	Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.

- S. Add: Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.
- T. Add: Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle

1 operation frequency and duration may be reduced based on ridership demand subject to approval by
2 the Community Development Director.

- 3 U. Refine Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection
4 between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the
5 trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for
6 conflicts with high-speed vehicles); requirement for action by other parties over whom the County and
7 the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling
8 to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project
9 and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and
10 may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In
11 addition, a pedestrian trail has been documented as an existing need and the proposed project may
12 only be held responsible for its proportional and incremental contribution.

13 The property owner and County shall work collaboratively with SCE, Caltrans, and the local
14 community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include,
15 but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and
16 (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a
17 “fair share” cost attributable to the project will be calculated by the County and contributed by the
18 property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and
19 construction of the trail project. If the trail project is not approved by any public agency (including the
20 County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility
21 analysis of the connectivity trail project shall commence within six months of the Board of
22 Supervisors’ approval of the Tioga Inn Specific Plan Amendment #3.

- 23 V. Add: Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of
24 Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at
25 a minimum conform to the following five criteria:

- 26 1. **Limits of Construction:** All Community Housing residential structures, whether attached or
27 detached units, must be located within the building envelope indicated on the Alternative 7
28 Concept Site Plan except for the manager’s unit, which is located outside the building envelope to
29 the west.
- 30 2. **Maximum Heights:** All Community Housing residential structures shall be of single-story
construction with a maximum roof height not to exceed 16 feet.
1. **Number of Units and Bedrooms:** As previously stated in the project description, the Community
Housing complex shall not contain more than 100 residential units and 150 bedrooms, including
the manager’s unit, and shall conform to the phasing plan.
2. **Screening Landscaping:** Screening landscaping shall be provided consistent with the Landscape
Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept
Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual
Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific
Plan Table 4-12.
3. **Visibility of Residential Units and Structures:** All structures and units within the Community
Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual
analysis.

- W. Add: Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall
be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading

1 is complete. A landscaping or restoration specialist approved by the County shall monitor tree health,
2 screening efficacy and replacement requirements for the first 5-years of growth. The
3 landscape/restoration specialist shall have authority to replace plantings as needed to attain within five
4 years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.

5 None of the housing structures or housing parking areas shall be visible from public vantage points
6 including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction
7 of Hwy 120 W and Test Station Rd. A housing structure or parking area is “visible” if any part of the
8 buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked
9 vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality
10 400 mm telephoto lens as used in the visual analysis.

11 Compliance with this mitigation measure shall be monitored by conducting visual inspections from
12 each of the public vantage points listed above at least once each year for five years after certificate of
13 occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at
14 least one conducted after dark and one in the two hours after dawn from each vantage point.

15 The goal of the monitoring inspections shall be to develop a record of compliance with this standard
16 from each vantage point and at varying times of potential high visibility including dawn, nighttime,
17 and daytime. Documented observations of noncompliance with this standard from the public should
18 be sent to the Code Enforcement Division for a response.

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

- 23 (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.² Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise;
- 24 (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. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens⁴;

25
26
27 ² Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

28 ³ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

29 ⁴ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

- (c) accent lighting shall be limited to residential lighting required by the building code 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.
- (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.

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 foot candle 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.

SECTION TWO: The Tioga Community Housing Project Final Subsequent EIR (FSEIR) was certified by Resolution R20-96 on 20 October 2020 and reflected the County's independent judgment and analysis. On the basis of the FSEIR and accompanying Findings of Fact, the Board of Supervisors makes the findings for the Statement of Overriding Considerations in the form substantially set forth in Exhibit B, which is attached hereto and incorporated by this reference.

SECTION THREE: Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report (DSEIR and FSEIR, respectively), the 1993 Tioga Inn Specific Plan and FEIR and staff reports and presentations, the Board of Supervisors makes the following findings regarding the Tioga Inn Specific Plan Amendment #3 and Preferred Alternative (Alternative #7-Hybrid Plan):

- A. *The proposed changes in the specific plan are consistent with the text and maps of the General Plan because:*

The proposed changes to the Tioga Inn Specific Plan, the Tioga Inn Specific Plan Amendment #3, Alternative #7 (Amendment), are consistent with General Plan policies directing the County to utilize the specific plan process for large-scale projects and consistent with Land Use Element policies to contain 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 is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away. The amendment

1 is also consistent with General Plan policies for amending Specific Plans (Chapter 36 and Chapter
2 48).

3 The Amendment is reasonable within the context of providing housing for the approved
4 unconstructed commercial uses and compatible with surrounding and proposed development of the
5 Tioga Inn Specific Plan, and does not alter the adopted Tioga Inn Specific Plan in a manner that
6 makes it inconsistent with the text or maps of the General Plan.

7 Further, the Amendment is consistent with Housing Element programs that require specific plans
8 for large-scale development within community expansion areas (Mono County General Plan
9 Housing Element 1.8) to utilize mixed use developments to more efficiently and economically utilize
10 the County's limited land base for housing (Mono County General Plan Housing Element 1.9).

11 In addition, the Amendment is consistent with the Land Use Element policy which "require[s] future
12 development ... to provide a fair share of affordable and workforce housing units" through
13 compliance with the Housing Mitigation Ordinance.

14 *B. The proposed changes in the specific plan are consistent with the goals and policies contained within
15 any applicable area plan because:*

16 As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent
17 with area plan polices. The site has long been identified for development, with commercial hotel,
18 housing, restaurant and other uses approved in 1993. The Amendment incorporates energy efficient
19 designs such as solar panels, southern orientation, and a graywater irrigation system, and includes
20 requirements stricter than the General Plan Dark Sky requirements (Chapter 23) to protect the night
21 sky.

22 Small-town character is preserved by providing housing for future employees of the approved
23 commercial components so that the existing housing stock is impacted less and induced
24 growth/overcrowding in the existing Lee Vining townsite is limited. Overcrowding within Lee
25 Vining would result in parking, traffic, and noise impacts, and generally a more urban environment
26 as the density of people increases in town. Additional impacts include, but are not limited to,
27 increases in rent and decreases in the already limited availability of units. In addition, a significant
28 portion of the infrastructure required to accommodate the increase in population, such as water and
29 sewer, are provided on site. Other services and environmental impacts such as fire protection,
30 emergency medical services, law enforcement, traffic, greenhouse gas emissions, etc., have been
evaluated based on an increase of approximately 300 residents and mitigated when possible or
identified as significant and unavoidable. Further, population estimates are well within General Plan
build-out projections and do not exceed generally understood population definitions of small towns
(e.g., less than 10,000 people) or the Census Bureau's definition of a rural area (less than 2,500
people). Finally, the population increase is generated by the previously approved restaurant and
hotel, not by the proposed project. The proposed project affects the distribution of that population,
increasing the likelihood that the employees will become residents of the Lee Vining area rather
than living within existing residential structures in Lee Vining or commuting from adjacent
communities such as Bridgeport, June Lake, Crowley Lake, and Mammoth Lakes. The Amendment
also enhances and supports the area's tourism-based economy and economic sustainability.

The proposed project is consistent with the Mono Basin Area Plan as follows:

1 *Policy 10.C.2. Support design practices that protect scenic vistas, energy efficiency, and “green”*
2 *building practices.*

- 3 • The development is located below the ridgeline on a lower plateau and is not silhouetted against
4 the skyline. The project incorporates energy efficiency and green building practices, such as
5 graywater irrigation, solar panels, and housing onsite with employment (e.g., jobs-housing
6 balance).

7 *Policy 10.C.3. Preserve the dark night sky of the Mono Basin.*

8 *Action 10.C.3.a. Require compliance with and enforce Dark Sky Regulations.*

- 9 • Chapter 23, Dark Sky Regulations, is not only applied, but additional regulations are required
10 such as the prohibition of seasonal light strings on walls facing US 395, limitation on lumens
11 and kelvin light temperature, and the requirement of pedestrian bollard lighting rather than
12 overhead lighting.

13 *Action 10.D.2.d. Consult the Kutzadika’a Mono Lake Indian Community on potential impacts to*
14 *cultural and historic resources as described in Government Code §65352.3, which outlines local*
15 *government requirements for tribal consultation.*

- 16 • Consultation was held and the voluntary mitigation measure offered by the applicant was
17 accepted via email from the California Indian Legal Services attorney representing the Tribe on
18 13 January 2020. Responses have continued to be provided to any further comments submitted
19 by Tribal members. Letters were sent under AB 52 and SB 18 to the Kutzadika’a Tribe to invite
20 tribal consultation and the County received no responses.

21 *Objective A: Provide for the orderly growth of Lee Vining in a manner that retains the small-town*
22 *character by directing future development to occur in and adjacent to Lee Vining.*

- 23 • The project site is an existing specific plan approved for development and is proximate to the
24 existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an
25 electric utility company from the closest commercial property, about ¼ mile away.

26 *Objective C: Encourage building types and architectural design compatible with scenic and natural*
27 *attributes of the Mono Basin.*

- 28 • Through public comment, the building types have been reduced to one story structures with a
29 maximum height of 16 feet, and a landscaping plan has been developed to ensure screening of
30 walls, windows, and roof in addition to lighting. Visual impacts are additionally reduced by the
lowering of the grading line to sink the structures into the hillside of an existing moraine, the
requirement of dark colors and non-reflective materials, and the vast distance from the site to
scenic vista areas which reduces the size and scale of the structures. Impacts to the night sky are
also mitigated to less than significant with the addition of more restrictive dark sky lighting
requirements; however, visual impacts remain significant overall because of downward directed
lighting on the ground where none existed before. This policy does not prohibit approval of
projects with identified impacts; rather, the applicable policy would be General Plan
Conservation/Open Space Policy 20.C.1, which requires a statement of overriding
considerations through the Environmental Impact Report process. The Board of Supervisors
adopted the statement of overriding considerations on 20 October 2020.

Objective D: Maintain, protect and enhance the natural, historical and recreational attributes of
the Mono Basin.

- Cultural protections have been addressed through consultation with the Mono Lake Kutzadika’s Tribe and continued correspondence.
- Pedestrian connectivity is an existing issue that cannot be attributed entirely to the project, and therefore cannot be solely resolved by this project, and certain constraints make the construction of pedestrian connectivity infeasible at this time. However, the applicant will fund studies and work toward overcoming those barriers to pursue a trail or other connection from the project site to town.

Objective E: Promote well-planned and functional community uses that retain small-town character and increase quality of life.

- Based on population data in the FSEIR/DSEIR, the estimated project population of 300 plus the 2018 population of 167 results in a total population of 476. While this population is almost a threefold increase in the current population, it is less than the population from the 2000 Census (496). Therefore, the Mono Basin has supported such population levels in the past.
- The small-town character is retained by providing housing onsite for the commercial uses already approved. Without the project, the employees of those commercial uses will seek housing in Lee Vining, impacting the already inadequate housing stock which typically results in overcrowding. Overcrowding then results in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town.
- The assumption that the hotel will not be built without the housing is speculation. The hotel and restaurant are approved and therefore reasonably foreseeable under CEQA, and must be assessed under the cumulative impact evaluation.

Objective F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.

- In terms of capacity needs, the Lee Vining Fire Protection District had raised concerns about the technical expertise to plan check and inspect the construction phase of the project, and the need for an evacuation plan. Mono County offered to cover the plan check and inspection needs at no cost to the District, and a specific plan implementation measure was added to require the development of an evacuation plan.
- The District more recently raised capacity needs in terms of volunteer numbers, funding, and an update to the Development Impact Fee (DIF) study. The FSEIR discusses that residents in the project are likely to volunteer, but a specific number could be mandated. The Mono County Counsel’s office provides free legal services to the District, and the applicant has offered to prefund the cost of the consultant, provided the cost is credited against the amount of DIF due for the proposed project when the building permit is due. The applicant has also offered to host a fundraising and volunteer drive for the District, and offer housing priority for onsite employees agreeing to volunteer.
- The population is still well below the build-out anticipated by the General Plan, and existing parking standards should provide for adequate parking. If older projects previously built in Lee Vining were not built to standards, those are existing impacts for which the proposed project is not responsible.

Goal 2: Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area.

Objective A: Plan for a diversified, sustainable economy.

Objective B: Enhance and support the existing tourism-related economy.

1 *Objective C: Diversify the existing economic base and employment opportunities to achieve a more*
2 *sustainable economy.*

- 3 • Housing in and of itself is a major barrier for business retention and expansion. The 2018 Mono
4 County Business Retention & Expansion Survey found housing is the greatest barrier to
5 workforce retention and recruitment with 79% of businesses attributing availability/affordability
6 of housing as the overriding barrier. Housing is most critical for seasonal frontline employees
7 according to 62% of businesses, however nearly as many (59%) mention housing scarcity for
8 year-round employees. Almost 40% of businesses attempt to address housing issues by
9 providing some employee lodging but only 34% of those say the amount is adequate.
- 10 • In the opinion of the Mono County Economic Development Department, improving the quality
11 and quantity of visitor services is needed throughout the county and in Lee Vining

12 *Policy 11.C.5. Support the revitalization of Main Street.*

- 13 • The proposed project is not located on Main Street and therefore this policy is not applicable.
14 Further, the policy does not prohibit, either directly or in an implied manner, any project that is
15 not located on Main Street or directly supportive of Main Street revitalization. The intent of this
16 policy was to support Main Street development, but there was no intention to penalize or prohibit
17 other business efforts with no direct tie to Main Street.

18 *Goal 3: Build a safe, Friendly community where people feel connected, work together to resolve*
19 *community issues and are involved in community activities and events.*

20 *Objective A: Build healthy social connections and interactions that contribute to a sense of*
21 *community.*

22 *Objective B: Encourage and support local events and programs that provide community and youth*
23 *activities, capitalize on the tourist economy, and bring the community together.*

24 *Objective C: Encourage people to volunteer in the community and participate in events.*

- 25 • The proposed project provides stable housing that contributes to a sense of safety and
26 establishment, supporting the ability of people to feel connected to one other through proximity
27 of both their residences and employment, interact together on a regular basis, and ultimately
28 contribute to a sense of community both onsite and within the Mono Basin as a whole. The
29 project also includes a day care facility, which provides for additional social stability and healthy
30 family lives, and is open to offsite residents as well which will help bring community together.
An offer has been made to the Lee Vining Fire Protection District to hold a fundraiser and
volunteer recruitment drive, and the workforce supported by the project supports the tourist
economy.

31 C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within*
32 *the proposed specific plan because:*

33 The project site contains existing and approved (but unconstructed) commercial uses and is large
34 enough to provide a significant portion of needed infrastructure improvements, including roads
35 meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite
36 wastewater treatment plant, and water supply from wells, among other infrastructure. The proposed
37 residential uses are suitable for the site because they will provide housing for the approved
38 commercial uses and phased to coincide with the expected generation of onsite employees, which is
39 consistent with General Plan policies (LU Element, Objective A, Policy 1, Actions 1.2; and Housing
40 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

1 designations within the specific plan accommodate the development proposal, mitigate biological
2 impacts, and increase overall open space acreage in recognition of the rural nature of the general
3 landscape in the vicinity, and are therefore appropriate changes.

4 *D. The proposed changes to the specific plan are reasonable and beneficial at this time because:*

5 The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet
6 existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior
7 to this Amendment provided for 10 housing units for the approximately 187 employees estimated
8 to be generated by the approved commercial uses. This Amendment provides up to 100 units, which
9 will house significantly more employees on site and reduce impact to the community's housing
10 stock. The phasing plan in the Amendment ties the construction of housing units to the construction
11 of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the
12 project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified
13 in the Housing Needs Assessment.

14 In addition, the 2018 Mono County Business Retention & Expansion Survey found housing is the
15 greatest barrier to workforce retention and recruitment countywide with 79% of businesses
16 attributing availability/affordability of housing as the overriding barrier. Housing is most critical for
17 seasonal frontline employees according to 62% of businesses, however nearly as many (59%)
18 mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address
19 housing issues by providing some employee lodging but only 34% of those say the amount is
20 adequate. This project will help address housing needs to improve workforce retention and
21 recruitment.

22 *E. The proposed changes to the specific plan will not have a substantial adverse effect on surrounding
23 properties because:*

24 As described in the FSEIR for the project and in the associated Statement of Overriding
25 Considerations, impacts have been reduced to the lowest possible level. The five significant effects
26 are limited to impacts to the project site, adjacent transportation routes and rights-of-way, traffic
27 (which exists without the project), wildlife, and the general scenic nature of the Mono Basin area,
28 with no direct adverse effects to specific surrounding properties. The Statement of Overriding
29 Considerations was adopted by the Board of Supervisors on 20 October 2020 via Resolution R20-
30 96, and is incorporated herein by this reference.

SECTION FOUR: The recitals to the Resolution are hereby adopted as findings of the Board.

SECTION FIVE: The Board of Supervisors hereby takes the following actions: 1) adopts the
Mitigation Monitoring and Reporting Program as refined by Section One of this Resolution; 2) adopts the
Statement of Overriding Considerations and 3) approves the Tioga Inn Specific Plan Amendment #3,
Alternative 7-Hybrid Plan, as refined by Section One of this Resolution.

1 **PASSED AND ADOPTED** this 20th day of April 2021, by the following vote of the Board:

2 AYES :

3 NOES :

4 ABSENT :

5 ABSTAIN :

6
7
8 _____
Jennifer Kreitz, Chair

9
10 ATTEST:

APPROVED AS TO FORM:

11
12 _____
13 Queenie Barnard
Clerk of the Board

14 _____
15 Stacey Simon
16 County Counsel

Exhibit A 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:

- [Board Resolution R20-96](#) Certifying the Tioga Inn FSEIR
- [Alternative #7-Hybrid Plan Conceptual Site Plan – Full Site Plan](#)
- [Alternative #7-Hybrid Plan Conceptual Site Plan – Housing Area](#)
- [Alternative #7-Hybrid Plan drafts](#): Narrative description of Alternative #7-Hybrid Plan and draft site plan and landscape plan
- [Board memorandum](#) on “Expectation of Level of Detail in Specific Plan Site Plans”
- Alternative #7-Hybrid Plan documents
- Staff report and exhibits from the following Board of Supervisors meetings: [29-30 June](#), [6 August](#), [13 October](#), [14 October](#), [20 October](#), and [15 December](#) 2020
- Staff report and attachments from the [16 April 2020 Planning Commission meeting](#)
- Various site plans and exhibits
- [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](#)

STATEMENT OF OVERRIDING CONSIDERATIONS

For the proposed Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 Project

I. INTRODUCTION

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, as follows:

- (a) *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental 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, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
- (b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
- (c) *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, the findings required pursuant to Section 15091.*

The Final Subsequent EIR (FSEIR) for the Tioga Inn Specific Plan Amendment #3 Project and the Findings of Fact required pursuant to §15091 are available by request from the Mono County Community Development Department (760-924-1800, commdev@mono.ca.gov) and is currently posted at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>. The Findings of Fact lists and briefly discusses project impacts that are less than significant, project impacts that are less than significant with mitigation, and project impacts that are significant and unavoidable.

The process of balancing adverse effects against potential benefits requires Mono County to adopt a Statement of Overriding Considerations based on the Findings of Fact and the FSEIR. Therefore, pursuant to CEQA Guidelines §15093, Section II 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 FSEIR prepared for the proposed *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3*.

II. STATEMENT OF OVERRIDING CONSIDERATIONS

As required by Public Resources Code §21081(b) and CEQA Guidelines §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 7 as the new Preferred Alternative, is the most desirable, feasible, and 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.

II.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 light and glare.

II.B Benefits of the Proposed Tioga Community Housing Project/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 Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also made a reasonable and good faith effort to eliminate or substantially lessen the impacts that would result from the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 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 *Tioga Community Housing/Specific Plan Amendment #3 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 Findings of Fact in adopted Board Resolution R20-96, which are hereby incorporated by reference into this Section (VII.B), and in the documents found in the Record of Proceedings for the FSEIR. The Mono County Board of Supervisors finds that the *Tioga Community Housing/Specific Plan Amendment #3 Project* will have the following specific economic, legal, social, technological, or other benefits:

THE PROJECT WILL PROVIDE NEEDED HOUSING: The 2017 *Mono County Housing Needs Assessment*¹ 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. These data indicate that the project will respond not only to housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but has the potential to also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

Existing and approved uses in the Tioga Inn 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. The 187 employees will be hired to fill job positions on the project site whether the Tioga Community Housing Project is approved or denied. Without the project, however, the burden of housing these employees will fall on the very limited existing housing stock in Lee Vining, and on more distant surrounding communities. Given the existing housing shortage, the influx of these employees are likely to result in, among other things, rental price increases, increased competition for already scarce housing units, and overcrowding. Overcrowding, in turn, likely results in traffic congestion, insufficient parking, louder residential neighborhoods due to more people closer together, and other impacts. Taken together, these consequences from the lack of sufficient housing degrade the small town and rural character cherished by local residents and set forth in the Mono Basin Area Plan.

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 approximately 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).

¹ 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

Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by the tourism sector (62% of total County employment, well above average²). As noted in the 2009 study of tourism in Mono County,³ many of the tourism-based jobs are seasonal and part time. 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 seasons, and it is anticipated that Tioga workers will seek employment in other sectors during these periods. 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 and well-documented impacts on individual and family health and well-being. A 2019 survey by the Public Policy Institute of California (PPIC) found that California has a second-highest rate of cost-burdened households and homeless persons in the nation, and one of the highest poverty rates in the nation when housing costs are taken into account.⁴ The PPIC recommended policies to improve affordability and remove unnecessary barriers, with sustained cooperation of state and local governments and developers, and use of private sector and philanthropic resources as a key strategic element moving forward.

Finally, the project is consistent with the goals and intent of multiple state policies and laws, including SB 167 (Housing Accountability Act), SB 330 (Housing Crisis Act) and AB 101 (Housing Development and Financing Act). These legislative actions were enacted to bridge the wide gap between housing supply and housing demand. These recent laws (1) stress the importance of a coordinated response between local and state governments and the private sector, (2) recognize the economic, environmental and social threats to the welfare of California residents posed by the lack of adequate housing, and (3) cite local government regulations and fees and policies as important factors in the high cost and limited availability of housing. SB 167 acknowledges that the impacts of housing scarcity include discrimination against low-income and minority households, hampered employment growth, reduced mobility, excessive commuting, air quality deterioration and other impacts. SB 330 acknowledges the increasing difficulty faced by employers seeking to secure and retain a workforce, and the difficulty faced by schools and governments and nonprofits in attracting and retaining teachers and staffing. AB 101 focuses on incentivizing local agency efforts to prioritize projects that will meet identified housing needs, and tools to better enforce housing element law. These State housing laws and policies consider all housing types, including those that are affordable by design and market rate, to be part of the solution, in addition to units deed restricted to certain income levels.

The project applicant anticipated the need for additional onsite employee housing (and sought county approval to amend the Specific Plan accordingly) before these legislative requirements were enacted. As such, the project is not eligible for the discretionary considerations these laws would otherwise provide. However, the applicant's early recognition of housing need and voluntary commitment to work with local government to provide that housing, is a cornerstone benefit of the proposed project and an essential step toward fulfilling the need for adequate housing to secure the welfare of California residents.

For the reasons set forth above, the Board of Supervisors finds that the housing benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT ECONOMIC DEVELOPMENT: The proximity of housing to employment has been identified as a crucial component of economic competitiveness.⁵ Long commutes and limited housing opportunities contribute to high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining.

The 1-year impact of building 100 single family homes in a typical state has been estimated by the National Homebuilders Association to include \$28.7 million in income for residents of the state, \$3.6 million in taxes and other revenue for the state and local governments

² 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>.

³ 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.

⁴ Public Policy Institute of California, *California's Future: Housing*, <https://www.ppic.org/publication/californias-future-housing/>, 2020.

⁵ 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

in the state, and 394 local jobs. The long-term recurring annual impacts include \$4.1 million in income for residents of the state, \$1.0 million in taxes and other revenue for the state and local governments in the state, and 69 jobs in the state.⁶ These national findings are echoed in a 2016 study by the McKinsey Global Institute. McKinsey found that the California housing shortage costs the state economy over \$140 billion per year in economic output. The impacts include an estimated \$50 billion per year in lost consumer spending, and an overall \$90 billion estimated loss in California construction activity.⁷ The impact of housing scarcity on the California economy was an important factor in recent housing legislation (AB 101, SB 167, and SB 330) as noted above.

Regional economic development will be further supported by the proposed addition of a third gas pump island to serve commercial vehicles and motorists on US 395 and SR 120. Conveniently located and adequately sized fueling stations strengthen freight activities through 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 Community Housing/Specific Plan Amendment #3 Project* 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 treatment 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 an estimated half of project energy demands.

Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category and 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. A new onsite bus stop will be provided for ESTA and a free shuttle service to Lee Vining will be operated during the peak season, at a minimum, to reduce personal automobile use by residents and by future hotel guests. Additionally, the provision of an onsite housing option for project employees will reduce daily home-to-work travel requirements, with long-term ancillary benefits for traffic, air quality and greenhouse gas emissions.

EPA has identified multiple 'smart growth' features that contribute to GHG reduction and climate change resilience.⁸ Project features that would correspond to the EPA smart-growth features include:

1. **Compact Form:** a 2008 study ([Growing Cooler \(PDF\)](#)) published by ULI and partially funded by EPA, concluded that compact development can reduce vehicle miles traveled by 20- 40 %, and carbon dioxide emissions by 7-10%, compared to conventional development. The project site is located within ¼ mile of the nearest commercially zoned lot, which is considered walking distance and therefore a compact form. A subsequent study, [Moving Cooler](#), found that a combination of more compact development & investments in transit/other transportation options could reduce GHG emissions from transportation by 9-15% by 2050. Air quality benefits will be further enhanced by onsite or site-adjacent transit services (ESTA, YARTS, shuttle, space for ESUSD buses).
2. **Use of Existing Infrastructure:** EPA found that use and reuse of existing infrastructure takes advantage of previous investments and the energy already expended to build them. The project will utilize or expand on existing facilities including water production, snow removal equipment, solar power systems, onsite entry and access roads, and gas pump facilities. Additional energy efficient project features include use of Energy Star appliances, LED lighting, and provision of onsite facilities (laundry, storage, staffed child care with play and meeting areas) to reduce travel to offsite facilities.

⁶ National Association of Homebuilders, Housing Policy Department: *The Economic Impact of Home Building in a Typical Local Area Income, Jobs, and Taxes Generated*, April 2015.

⁷ McKinsey Institute, *A Tool Kit to Close California's Housing Gap: 3.5 million homes by 2025* <https://www.mckinsey.com/~media/McKinsey/Industries/Public%20and%20Social%20Sector/Our%20Insights/Closing%20Californias%20housing%20gap/Closing-Californias-housing-gap-Full-report.pdf>

⁸ Environmental Protection Agency, <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change>

3. **Proximity of homes to jobs, stores, parks and schools:** EPA found that proximity of homes to jobs and services resulted in less driving and shorter trips. The project prioritizes onsite employees for the housing units, fully implementing this smart growth feature.
4. **Green Spaces:** EPA found that green spaces sequester CO₂ by conserving ecologically valuable land and promoting development in previously developed areas. The proposed project incorporates a net 0.7-acre increase in overall Open Space acreage, with almost twice the acreage of the most-protected Open Space-Preserve designation (from 14.8 acres to 27.8 acres if approved). In whole, more than two thirds of the total Tioga property acreage would be designated for Open Space use (47.2 acres of open space on the 69-acre property).

For the reasons set forth above, the Board of Supervisors finds that the conservation benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* 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. Whereas the original project proposal included the addition of a third story on the previously approved hotel, and additional square footage in the previously-approved promontory restaurant, both of these proposed elements were eliminated from the proposal in response to public comments on the Notice of EIR Preparation. The project now incorporates a voluntary secondary emergency access, right-of-way for a future trail leading from Vista Point Drive to the US 395/SR 120 junction as an initial link (recommended by Caltrans) for future pedestrian connectivity to Lee Vining, and shuttle services that will be available free of charge to residents of the Mono Basin as well as the project site, as requested by the public to increase the connectivity between the project and the Lee Vining community. The project commitment to prepare a feasibility study for creation of a pedestrian and cycling trail to link the project site to Lee Vining is a further response to community requests for enhanced interaction between Lee Vining and the Tioga site.

A Phasing Plan has been developed that establishes a direct relationship between the development of the commercial components and number of housing units constructed. The onsite Day Care center will be part of the Phase 1 improvements, staffed and available for use by residents of the Mono Basin as well as project residents. A dedicated pathway between the Day Care facility and a new school bus stop for ESUSD and/or the onsite shuttle and/or resident car-pools will facilitate the proximity and safety of student transportation while minimizing use of personal vehicles.

Multiple design improvements have been made over the course of the project review in specific recognition of the comments made by area residents, and the values expressed in the Mono Basin Community Plan. The original multiunit two-story residential structures have been replaced by single story attached and detached units, with substantial landscaping commitments to effectively screen offsite views of the project from key visitor sites including South Tufa, Navy Beach, and the US 395 Scenic Corridor. The proposed plan includes lighting restrictions that go well beyond the County's Dark Sky requirements, in recognition of the importance of the Mono Basin as an important tourist site for night-photography, and the high value placed by Mono Basin residents on preserving dark night skies.

The applicant has voluntarily agreed to compensate the Kutzadika'a Indian Tribe for onsite monitoring (although not required by results of the archaeological report), and to provide a secondary emergency access in response to a request by the LVFPD (although not required by CalFire). The applicant has also offered to prefund an update to the LVFPD Development Impact Fee study to facilitate a new fee structure that would increase LVFPD revenues from the project (and reimburse prefunding costs) and support expanded District facilities and operations.

These changes reflect a commitment by the applicant to enhance the welfare of the larger community not only through provision of essential housing, but also through specific commitments to serve the underlying goals and values of the larger Mono Basin community.

For the reasons set forth above, the Board of Supervisors finds that the social benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

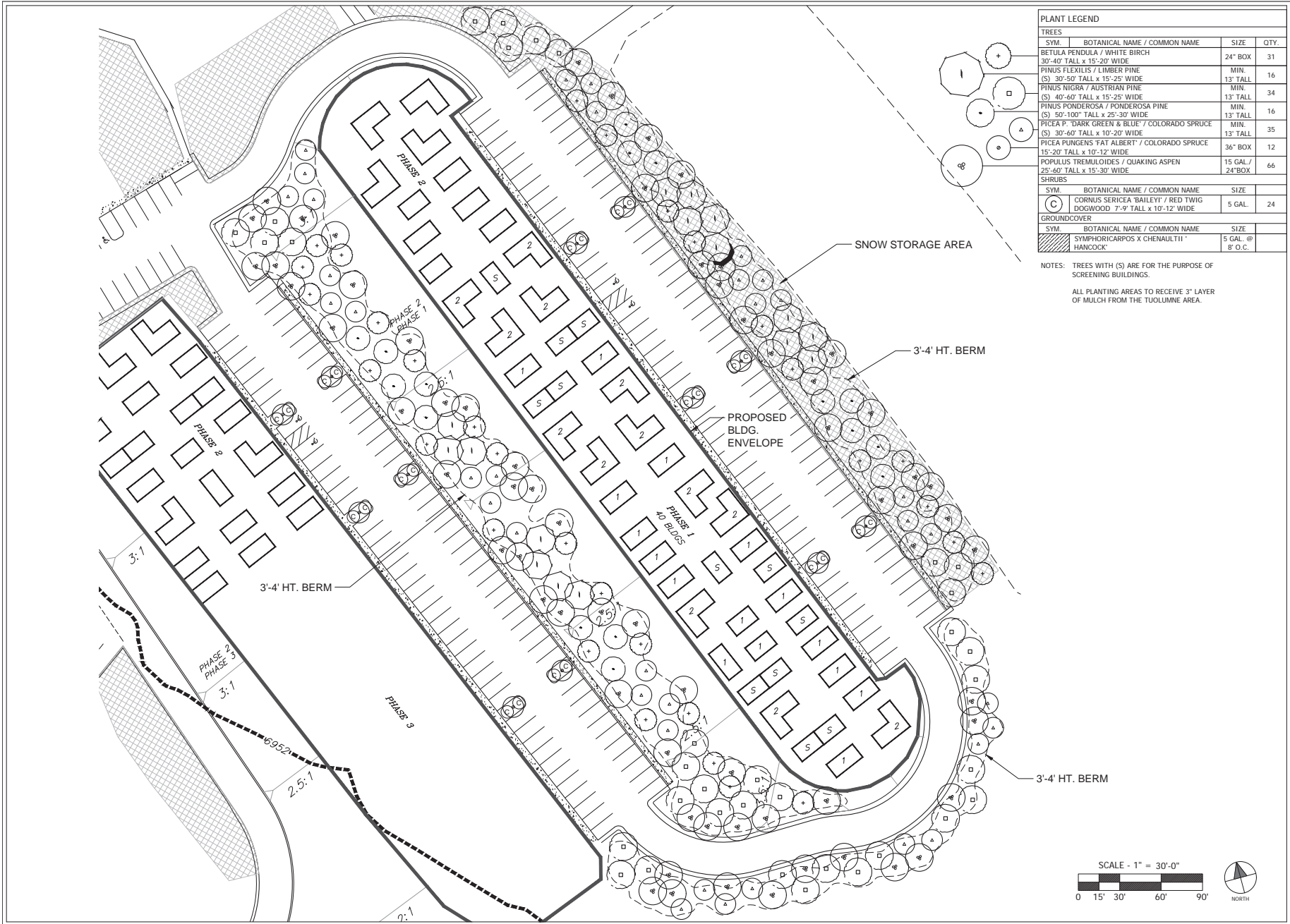
IX. CONCLUSIONS

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*.

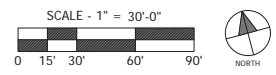
Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) 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 (Alternative #7 – Hybrid Site Plan) 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.



PLANT LEGEND			
TREES			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.
	BETULA PENDULA / WHITE BIRCH	24" BOX	31
	PINUS FLEXILIS / LIMBER PINE	MIN.	16
(S)	30'-60" TALL x 15'-25" WIDE	13" TALL	
	PINUS NIGRA / AUSTRIAN PINE	MIN.	34
(S)	40'-60" TALL x 15'-25" WIDE	13" TALL	
	PINUS PONDEROSA / PONDEROSA PINE	MIN.	16
(S)	50'-100" TALL x 25'-30" WIDE	13" TALL	
	PICEA P. 'DARK GREEN & BLUE' / COLORADO SPRUCE	MIN.	35
(S)	30'-60" TALL x 10'-20" WIDE	13" TALL	
	PICEA PUNGENS 'FAT ALBERT' / COLORADO SPRUCE	36" BOX	12
	15'-20" TALL x 10'-12" WIDE		
	POPULUS TREMULOIDES / QUAKING ASPEN	15 GAL /	66
	25'-60" TALL x 15'-30" WIDE	24" BOX	
SHRUBS			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
(C)	CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD	7-9" TALL x 10'-12" WIDE	5 GAL. 24
GROUNDCOVER			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
	SYMPHORICARPOS X CHENAULTII 'HANCOCK'	5 GAL. @ 8" O.C.	

NOTES: TREES WITH (S) ARE FOR THE PURPOSE OF SCREENING BUILDINGS.
ALL PLANTING AREAS TO RECEIVE 3" LAYER OF MULCH FROM THE TUOLUMNE AREA.



WBDG
WELAND DESIGN GROUP, INC.
 LANDSCAPE ARCHITECTURE • PLANNING • ARCHITECTURE • INTERIOR MANAGEMENT
 2000 COLLETT DRIVE • SUITE 200 • TAMPA, FLORIDA 33610 • PHONE: 813-973-4600
 FAX: 813-973-4601 • WWW.WELANDDESIGN.COM
 A CORPORATION OF FLORIDA
 201 STEVENSON CIRCLE, WASHINGTON, CA 95114

TIOGA INN
 LANDSCAPE CONCEPT PLAN

REVISIONS	DATE



DATE: 09/08/20
 SCALE: SEE SHEET
 JOB # 20-077
 DRAWN BY: NL
 SHEET: **1**
 OF 1



CUSTOMERS FIRST

Eric Garcetti, Mayor

Board of Commissioners
Cynthia McClain-Hill, President
Susana Reyes, Vice President
Jill Banks Barad
Mia Lehrer
Nicole Neeman Brady
Susan A. Rodriguez, Secretary

Martin L. Adams, General Manager and Chief Engineer

February 11, 2021

Mr. Dennis Domaille
PO Box 2727
Mammoth Lakes, CA 93546
DennisDomaille@yahoo.com

Dear Mr. Domaille:

Subject: Letter of Consent - Emergency Access Route for Tioga Inn Project

The Los Angeles Department of Water and Power (LADWP) has reviewed your request for continued use of the existing Gibb Siphon Road as a secondary emergency access road in connection to the Tioga Inn Project (Project). A portion of Gibb Siphon Road is located on City of Los Angeles property located in the southwest quarter of Section 16, Township 1 North, Range 26 East, Mount Diablo Meridian.

The scope of work is to improve the existing Gibb Siphon Road, which is mainly located over Southern California Edison(SCE) property, where you have a 40-foot wide easement, to make a secondary emergency access road to service the Project. Approximately 650 square feet of the existing Gibb Siphon Road is located on City of Los Angeles property. You have agreed to construct a gate with a carousel-type locking system at the intersection of Highway 120 and the Gibb Siphon Road that will allow LADWP to have continued access to the road.

LADWP has reviewed your request and found no objections to granting you a letter of consent subject to the following comments, terms, and conditions.

Comments

1. LADWP reviewed the plans submitted, marked Exhibit "B" Access Easement Areas (enclosed). LADWP will continue to have access to the Gibb Siphon Road for operational purposes. You will install a carousel-type lock system on the access gate allowing LADWP to install its own lock for access purposes.

Terms and Conditions

1. LADWP's reserves the right to revoke its consent at any time at LADWP's sole discretion. Should LADWP revoke its consent, you will relocate the portion of the road that crosses LADWP property to the easement area conveyed by SCE within six months of such notice and will remove any road improvements from LADWP property.
2. You acknowledge that you have inspected the premises, know the condition thereof, and on behalf of yourself and your successors, assigns, and sub-contractors undertake and agree to indemnify and hold harmless the City of Los Angeles (City), the Department of Water and Power of the City of Los Angeles, the Board of Water and Power Commissioners of the City of Los Angeles, and all of their officers, agents, successors in interest, insurers, assigns and/or employees (individually and collectively, "Indemnitees"), and at the option of the City, defend by counsel satisfactory to the City, the Indemnitees from and against any and all liens and claims of lien, suits, causes of action, claims, charges, damages (including but not limited to indirect, consequential, and incidental), demands, judgments, civil fines, penalties, or losses of any kind or nature whatsoever that are incurred by or asserted against the Indemnitees, for death, bodily injury or personal injury to any person, including but not limited to your employees, contractors and sub-contractors of any tier, customers, invitees, and agents, or persons who enter onto the premises, or damage (including environmental damage) or destruction or loss of use of any property of either party hereto, or third persons in any manner arising by reason of, incident to, or connected in any manner to this consent to use or to the premises covered under this consent to use, regardless of any negligence on the part of Indemnitees, except for the sole negligence or willful misconduct of the Indemnitees. It is the specific intent of this section that this Indemnification shall apply and be effective for all accidents, occurrences, and/or events occurring during the term of this permission that give rise to future claims, even if the actual claim comes against the Indemnitees after the consent to use has expired or terminated. This Indemnification shall be in addition to any other rights or remedies that Indemnitees have under law or under this permission.

Please acknowledge, accept, and agree to the terms and conditions of this letter by signing and returning the enclosed copy to:

LADWP Real Estate Group
Attn: Don McGhie
300 Mandich Street
Bishop, CA 93514

Mr. Dennis Domaille
Page 3
February 11, 2021

If you have any questions, please contact Mr. Donald S. McGhie, Senior Real Estate Officer, at (760) 873-0248 or by email at Donald.McGhie@LADWP.com.

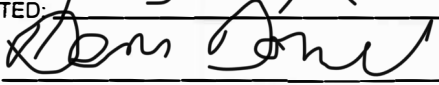
Again, permission will not be valid unless a signed copy of this letter has been returned to LADWP.

Sincerely,



Adam Perez
Manager of Aqueduct

DSM:dn
Enclosures (to be signed and returned)
c: Mr. Donald S. McGhie

THE UNDERSIGNED REPRESENTS AND WARRANTS THAT HE OR SHE IS DULY AUTHORIZED TO EXECUTE THIS AGREEMENT AND ACKNOWLEDGES AND ACCEPTS THE TERMS AND CONDITIONS OF THIS PERMISSION AS BINDING ON BEHALF OF THE ENTITY TO WHOM SAID PERMISSION IS GRANTED.	
DATED:	Feb 12, 2021
BY:	
	SIGNATURE

Mono County Community Development Department

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

Date: February 19, 2021

To: Honorable Board of Supervisors

From: Wendy Sugimura, Director
Gerry LeFrancois, Principal Planner
Michael Draper, Planning Analyst

RE: Mono County Compliance with AB 52 and SB 18 State Laws on Tribal Consultation for the Tioga Inn Specific Plan Amendment #3

Following the discussion at the Board's fourth public hearing on the Tioga Inn Specific Plan Amendment on 15 December 2020, Chair Kreitz requested a memorandum explaining tribal consultation requirements under AB 52 and SB 18, and the County's compliance with these requirements. This memorandum provides that explanation, and is organized into the following four parts:

1. A summary of state law requirements under AB 52 and SB 18 and the County's compliance,
2. A summary of the timeline of tribal consultation and outreach,
3. Specific consultation under SB 18, and
4. Tribal request to conduct further environmental analysis.

Please note this memorandum provides clarifications and further information compared to previously published staff reports.

Regardless of legal frameworks described in this memorandum and whether deadlines were met, County staff is always willing to respond to and hold discussions with a tribe at any time and incorporate tribal heritage considerations whenever possible within legal constraints.

Legislative information sources for this memorandum are listed at the end.

SUMMARY OF STATE LAW REQUIREMENTS

AB 52 Requirements

Assembly Bill No. 52 (AB 52) was signed into law in September 2014 creating a new category of environmental resources, Tribal Cultural Resources (TCRs), tied to project analysis under the California Environmental Quality Act (CEQA). AB 52 applies to all CEQA lead agencies and must be followed for CEQA projects that trigger a Notice of Preparation (i.e., an Environmental Impact Report), Notice of Mitigated Negative Declaration or Notice of Negative Declaration.

For AB 52 to apply to a specific tribe, that tribe must send a letter requesting notification by the lead agency of projects in their areas of traditional or cultural affiliation. If no notification request has been received by the lead agency, then AB 52's requirements do not apply to the project. The lead agency is required to send a letter under AB 52 to tribes that have requested notification within 14 days of an application being complete or the lead

agency's decision to undertake a project. Professional planning organizations recommend sending AB 52 consultation letters by certified mail. Tribes then have 30 days to request consultation.

Whether or not a tribe has requested consultation, a CEQA document must disclose and analyze whether the proposed project would cause a substantial adverse change to any TCRs and, therefore, have a significant impact. A CEQA document must consider feasible alternatives and/or mitigation measures to avoid or minimize the impact on the identified TCR(s).

If a tribe requests consultation, no statutory limit exists for the length of tribal consultation, but the environmental document cannot be released until consultation has been initiated. Consultation topics, if requested by the tribe, may include alternatives to the project, recommended mitigation measures, and significant effects. Environmental documents cannot be certified until 1) consultation, if initiated, has concluded, whether or not agreement has been reached; 2) the tribe requested consultation but failed to provide comments or otherwise failed to engage in consultation; or 3) the lead agency provided notice of the project and the tribe failed to request consultation within the 30-day deadline.

Regardless of whether consultation is requested, nothing in AB 52 precludes tribes or tribal members from participating in the CEQA process in the same manner as another government entity or member of the public via public comment.

County Compliance: The County had AB 52 notification requests on file from the Washoe Tribe of California and Nevada and the Mono Lake Kutzadika'a Tribe as of March 2017. In 2017 the project was under revision in response to NOP comments and so very little public outreach was conducted. The County sent AB 52 consultation request letters in April 2018 to the Washoe Tribe and Kutzadika'a Tribe, and no responses were received within 30 days.

SB 18 Requirements

SB 18 has been in place since 2005 and applies when a local government adopts or amends its general plan. Unlike AB 52, the tribes do not need to submit a request for notification under SB 18. The local government requests contact information from the state Native American Heritage Commission (NAHC) for tribes with traditional lands or places located in the geographic area affected by proposed changes and contacts tribes about the opportunity to consult. Tribes have 90 days to request consultation. Note that the Tioga Community Housing project does not involve a general plan amendment and so it is not clear that SB 18 applies.

County Compliance: The County sent the Mono Lake Kutzadika'a Tribe a notice offering consultation under SB 18 in June of 2019. In August of 2019, the Tribe requested consultation (see Attachment #1). It is unclear whether that request was pursuant to AB 52 or SB 18, but since the period to request consultation under AB 52 had expired, the County is construing the consultation request to be under SB 18. Consultation occurred over the five-month period from August 2019 to January 2020 and concluded with the Tribe formally accepting the mitigation measure proposed by the County (and voluntarily agreed to by the applicant). See Attachment #2. More detail is provided below.

PROJECT TIMELINE: TRIBAL CONSULTATION AND OUTREACH

The following table provides is a summary of tribal consultation and outreach in the Tioga Inn Specific Plan Amendment process; noticed public opportunities available to anyone to comment on the project are in **bold**. Actions taken under SB 18 are listed under "Legal Requirements" although, as noted above, the Tioga Inn project does not include a General Plan Amendment and SB 18 may not apply and these may be "Above and Beyond" actions.

Date	Legal Requirements	"Above and Beyond" Outreach and Actions
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July 2016	Project formally accepted for processing.	
October 2016	Notice of Preparation (NOP) published in local newspapers and sent to the Office of Planning and Research (OPR) State Clearinghouse. AB 52 request letter from Washoe Tribe is on file with the County.	
December 2016	NOP scoping meeting held in Lee Vining.	County met with Bridgeport Indian Colony on another matter and discussed project.
2017	March: County received AB 52 request for notification of projects from Kutzadika'a Tribe. Very little activity in 2017 – project under revision in response to NOP comments.	
February 2018		CEQA consultants contacted Chairwoman Charlotte Lange on behalf of County staff requesting input on the project and review of some language in the archaeological report.
April 2018	AB 52 consultation letters sent via certified mail to the Washoe Tribe of California and Nevada and the Mono Lake Kutzadika'a Tribe at the addresses on listed their AB 52 request letters. No responses received.	
January 2019		Conversations with Kutzadika'a and Bridgeport Tribes by email, County was notified that Chairwoman Lange did not receive AB 52 letter, County staff/consultants and Kutzadika'a Tribe met in person and discussed issues (i.e., resources that weren't discovered in the archaeological survey but could be uncovered during grading). At some point following these communications, the Bridgeport Tribe no longer responded to communications.
April 2019		County staff sent emails to Chairwoman Lange on the status of the project and environmental analysis and anticipated public input opportunities. Chairwoman Lange responded by thanking staff for the information.
June 2019	Draft Subsequent Environmental Impact Report (SEIR) released for public comment	Because <u>no significant impacts to tribal cultural resources</u> were identified and no

	<p>and included a comprehensive cultural resource analysis. The Draft SEIR describes the body of evidence regarding cultural, paleontological and tribal resources, and states the following:</p> <ul style="list-style-type: none"> • “Based on results of the Archaeological site survey and analysis, there is no evidence of ancestral burials on the project site, and no tangible basis for the mitigation monitoring requirement. ... Because there is the possibility that one or more undocumented Native American burials could be encountered... Mitigation Measure 5.4(c) was developed for the protection of tribal cultural resources.” • “Based on the criteria [for significant effects], and site survey results, it is concluded that there are not significant archaeological site within the proposed ... project area.” <p>Requirements of the California Native American Historical, Cultural, and Sacred Sites Act; Health & Safety Code §7050.5; and Public Resources Code §5097.98 were integrated into mitigation measures.</p> <p>SB 18 consultation letters sent to seven tribes on the Native American Heritage Commission’s (NAHC’s) list, including the Kutzadika’a Tribe, at addresses provided by NAHC.</p>	<p>evidence of tribal resources was submitted, no mitigations were required under CEQA. However, measure 5.4(c) was voluntarily imposed (and agreed to by the developer) in response to tribal concerns and included the following: 1) notification of tribe prior to ground disturbance, 2) invitation for tribal monitors to be on site at any time (without compensation), 3) definition of stop work and preservation procedures in the event cultural resources are discovered, 4) tribal monitoring requirement with compensation post discovery, and 5) requirement to implement all feasible post-discovery mitigation measures.</p> <p>Planning Commission held a public workshop in Mammoth Lakes on the project and Draft SEIR.</p>
July 2019		<p>SB 18 letter additionally emailed to Chairwoman Lange.</p> <p>Public workshop held in Lee Vining on Draft SEIR.</p>
August 2019	<p><u>Consultation</u> County received consultation request from Kutzadika’a Tribe (as stated above, assumed to be under SB 18 since the AB 52 deadline had passed). Tribal attorney specifies two topics for discussion: 1) compensation of tribal monitors, and 2) potential impacts on well of neighboring Indian allotment holders. County and Tribe met to discuss. Follow up occurred by email throughout next couple of</p>	

	<p>months, with back-and-forth discussion and modification of proposed language.</p> <p><u>Public Comment</u> Kutzadika’a Tribe submitted comment letter on Draft SEIR.</p>	
September 2019		Planning Commission held workshop and site visit on project and SEIR in Lee Vining.
January 2020	<p>County received email from Kutzadika’a Tribe attorney that Chairwoman Lange approves the proposed mitigation measure providing compensation for tribal monitoring. County commits to recommending revised mitigation measure in Final SEIR.</p>	<p>Because <u>no significant impacts to tribal cultural resources</u> were identified and no evidence of resources were provided by the Tribe, the following revisions in the agreed-upon measure were voluntary by the County and developer (in addition to the voluntary components of the draft measures described above): 1) 50-hours of compensation for tribal monitors, and 2) tribal approval of archaeologist evaluating discovered resources.</p>
February 2020	<p>Final SEIR released (no public comment period required). Response to Comment Letter #13 provides a direct response to the Kutzadika’a Tribe comment letter, topic by topic, including analysis of impact to the well on the neighboring Indian allotment. The analysis concluded no impact to the well or any other TCRs. In addition, several other “Topical Responses” addressed concerns raised the Tribe’s public comment letter.</p>	<p>The Final SEIR could have been released with the first public hearing on the project. No requirement exists for a review period or public comment period prior to the public hearing. The early release provided initially a two-week review period, and the postponement of the Planning Commission meeting ultimately resulted in more than a month for public review.</p>
March 2020	<p>A letter providing updated meeting information and referring the project to the seven Tribes on the NAHC list was sent on 3 March 2020 per SB 18 via email. The Washoe Tribe responded it had no further interest in the project. No other responses were received.</p>	<p>A second SB 18 courtesy letter was sent to the seven tribes on 26 March 2020. No responses were received.</p> <p>Public workshop held in Lee Vining on Final SEIR.</p> <p>Planning Commission meeting postponed to April due to COVID-19 outbreak.</p>
April 2020	<p>Planning Commission public hearing: No written or verbal comments received from Kutzadika’a Tribe.</p>	
June 2020	<p>Mono County Board of Supervisors public hearing: Comments were received from tribal members but not tribal council leadership. Opposition to the project was expressed and</p>	<p>Staff responded at the meeting and the Board directed another meeting to be held, with further responses.</p>

	<p>topics of concern were listed, but no information was provided to which the County could respond. Comments by non-tribal public members raised questions about water supply and quality, including potential impact to well on neighboring Indian allotment.</p>	
<p>August – October 2020</p>	<p>Two Mono County Board of Supervisors public hearings held. Verbal and written comments from Kutzadika’a Tribe representatives, the Chairwoman, and Vice Chairwoman were received in opposition to the project. In addition to requesting project denial, the following concerns about impacts were listed: night sky, sound scape, scenery, consultation with tribe, water supply and use, pollution, increased wait times to access Yosemite, project components previously approved (hotel and restaurant) and tribal consultation at the time of approval, sense of community, law enforcement and medical services, landfill, cultural resources, trails, parking and pedestrian safety, septic seep, an arrowhead found on site, and cry dances “in this area.” For the most part, the topics were only listed with no specific details about the resources being impacted, very little new information was provided to which the County could respond, and most topics were already addressed in the SEIR. None of the letters requested mitigation measures or contained suggestions for project improvements to better address tribal cultural heritage concerns.</p> <p>For new comments raised, the County responded in staff reports and direct emails with additional information and analysis when warranted. In some cases, past staff reports or the published CEQA analysis was referenced. For example, the August staff report specifically addressed water usage, quality, and well impacts in addition to the CEQA analysis, and the October staff report provided a tribal outreach timeline including meetings between the County and tribe, and agreement on the mitigation measure</p>	<p>Theoretically, all responses provided at this point in the process are outside the required CEQA process public comment timeframes and could be considered voluntary on behalf of the County. However, the responses are shown in this analysis as “required” to be conservative and reflect the County’s commitment to addressing tribal concerns and comments throughout the CEQA process.</p> <p>In September 2020, in the event the consultation conclusion on potential impacts to the well on a neighboring Indian allotment was unclear, staff sent an email to Chairwoman Lange summarizing the SEIR analysis, the information provided in the August staff report, and supporting studies indicating that there would be no impact. Chairwoman Lange responded by thanking staff for the information (see Attachment #3).</p>

	<p>revision. The County also emailed a response on new information submitted in the comment letters about a Cry Dance site, which was represented to be “in the area” but the comment did not specifically locate the site on the project parcel and therefore no new impact was indicated. The County offered assistance to locate and establish a Cry Dance site elsewhere and advocate for federal tribal recognition, which were included as an attachment to the October staff report (see Attachment #4). No response was received from the Tribe indicating any follow up was needed.</p>	
20 October 2020	<p>Based on the information and evidence in the record, which indicated no qualifying tribal cultural resources, the Board certified the SEIR and directed staff to continue discussions with the Kutzadika’a Tribe to craft solutions to address concerns. As long as the developer agrees, measures can be incorporated into the project as Specific Plan Conditions and will have regulatory force and effect.</p>	<p>The Kutzadika’a Tribe requested to meet directly with the applicant (not the County) and the applicant agreed. The request falls outside of any known engagement framework with a tribe. The County was (and remains) fully supportive of any proceedings that foster a better understanding with the Tribe and staff was fully willing to participate in any meetings, but deferred to the applicant and tribe on arrangements, given the nature of the Tribe’s request. Ultimately, through no fault of either party, a meeting was not able to be arranged and a meeting with the Board of Supervisors was scheduled before the end of the year to consider the project before a change of supervisors occurred in 2021.</p>
December 2020		<p>The Kutzadika’a Tribe submitted a confidential map of tribal trails and identified the site as falling within a Cry Dance District. While the SEIR had already been certified in October and therefore the information does not fall under the CEQA analysis, County staff and the applicant remain willing to continue conversations with the Tribe about the best way to respect and protect tribal heritage on the project site. From the County’s perspective, the continued discussions and any measures agreed upon are voluntary on behalf of the applicant.</p>
January 2021		<p>County Counsel and Community Development Department staff met with Tribal representatives and legal counsel on 14</p>

		January 2021. Mono County staff is awaiting a response from the Tribe and has been periodically reaching out to the Tribe's legal counsel to request an update.
--	--	---

TRIBAL CONSULTATION UNDER SB 18

Tribal consultation is considered complete when a) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists to a tribal cultural resource; or b) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2, subd. (b)).

As noted in the timeline summary above, the Kutzadika'a Tribe requested consultation, which the County is construing as a request under SB 18 because the AB 52 response period had expired, and their attorney identified two topics for discussion: 1) "the importance of compensating tribal monitors," and 2) "potential impacts on the well of neighboring Indian allotment holders." (See Attachment #1.) It is important to note that significant impacts were not identified for either of these consultation topics in the Draft SEIR. Regardless, the County agreed to consult based on its commitment to respect tribal heritage.

County staff and the CEQA consultant met with tribal representatives, including Chairwoman Lange and tribal attorney Michael Godbe, on 19 August 2019 and discussed compensation for tribal monitors and concerns about impacts to nearby wells. The County expressed interest in meeting the Tribe's request to pay monitors but clarified that the County could not impose or require such mitigation measures given no significant impacts were identified in the CEQA analysis and therefore the County has no basis under the law to require the applicant to pay the cost. The applicant, however, offered to voluntarily modify the mitigation measures in the Draft SEIR by providing up to 50 hours of paid time for tribal monitors. The County and CEQA consultant suggested the Tribe use these hours to train the construction crew in the identification of TCRs or burial evidence, which would increase onsite resources and capacity for identifying TCRs not only on this project, but future projects this construction crew works on as well. The Tribe's preference was to use the paid hours for trained tribal monitors, expressing that adequate training required far more expertise than could be provided under the suggested model. Regarding the well on a neighboring Indian allotment, the County requested a map and more information (drilling date, depth, water production, etc.).

Email correspondence followed the August 2019 meeting to refine the applicant's voluntarily offered mitigation measure for monitoring and to exchange information on the well in question. The well questions were referred to the project hydrologist and ultimately a response was provided in the Final SEIR, released on 28 February 2020, in response to comment letter #13 which confirmed no impact. Revisions to the tribal monitoring mitigation measure was approved by the Tribe via an email dated 13 January 2020 from Mr. Godbe and included in the Final SEIR as a recommended modification (see Attachment #2). The email approving the mitigation measure concluded consultation.

No further comments or correspondence was received from tribal leadership from January to August 2020, during which time the Final SEIR was released, a community workshop was held, the Planning Commission public hearing was held, and the first Board of Supervisors public hearing was held. Written comments were received from tribal members (but not tribal leadership) at the 29-30 June Board meeting, which were considered public comment. The comments listed topics of concern with no new information to which the County could respond, and the topics had been analyzed in the SEIR documentation or otherwise previously addressed. No comments from tribal leadership were received until 6 August 2020, when Chairwoman Lange commented verbally at the Board of Supervisors public hearing in opposition to the project and, following the meeting, additional comments were received from tribal

leadership and tribal members about a variety of subjects which are listed in the table above under August-October 2020.

Within the consultation framework, the comments received at the Board meetings raised questions about the consultation topic of impacts to the well on the neighboring Indian allotment. Besides having addressed this issue in the Final SEIR, the 6 August 2020 staff report provided a summary of the well issue and provided additional information demonstrating no impact. On 22 September 2020, Community Development Director Wendy Sugimura sent an email to Chairwoman Lange summarizing the FSEIR and 6 August staff report information, along with copies of the studies supporting the analysis, and received a reply from Chairwoman Lange on 23 September acknowledging the information and thanking her for the information with no further questions, comments, or requests for discussion (Attachment 3).

Therefore, consultation was concluded under the first definition: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists to a tribal cultural resource. No significant effect to a TCR existed, no substantial evidence of a TCR or impact was provided during consultation, an agreement on a revised mitigation measure was reached (despite no significant effect), and the Tribe acknowledged the well impact analysis and indicated no further requests for discussion.

TRIBAL REQUEST FOR ADDITIONAL ENVIRONMENTAL ANALYSIS

The Kutzadika'a Tribe submitted a letter at the 15 December 2020 Board of Supervisors meeting requesting further environmental analysis and providing a confidential map of tribal trails and identification of a "Cry Dance District." No legal requirement exists to open the SEIR certified in October, recirculate that EIR, or prepare a subsequent or supplemental EIR based on CEQA Guidelines §15162, §15163, or §15088.5 for the following reasons:

- Recirculation (§15088.5): *"A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification."* (Emphasis added.) The confidential map of TCRs was not submitted within the public review period prior to certification and therefore recirculation does not apply. In this case, public notice of the SEIR was first given in June 2019 and certification occurred in October 2020, providing well over a year for the Tribe and other parties to submit information, and documentation of communication with the Tribe is detailed earlier in this memorandum. CEQA establishes time limits and requirements to provide for a fair process for the developer, tribes, and public, and to provide for a fair and reasonable conclusion to the analysis and that process.
- Subsequent EIR (§15162), Supplement to an EIR (§15163), and PRC §21166: A subsequent or supplemental EIR applies if changes to a project or its circumstances occur or new information which was not known, and could not have been known with the exercise of reasonable diligence at the time of certification, becomes available after certification. In this case, no changes to the project or its circumstance is being proposed as part of the project's approval, and the information about the historic trails and Cry Dance District were known to the Tribe prior to certification but not submitted to the County during public review. Due diligence was completed by the County as evidenced by the record of letters, meetings, emails, and communication in general between the County and Kutzadika'a Tribe. Case law has confirmed that if the information was known by a third party, but not presented to the public agency, then it does not trigger additional review. (See e.g., *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 234 where the court ruled that a study completed before the EIR was certified, but not submitted to the agency prior to certification, did not constitute grounds to reopen the EIR under §21166 and §15162.) Moreover, the decision-making agency is actually prohibited from reopening a certified EIR in this circumstance.

- “Once an EIR has been certified or a negative declaration adopted for a project, a public agency’s discretion to require further environmental review is confined. No further environmental review may be required unless one of the specified triggering events occurs (PRC §21166; 14 CCR § 15162). The statute is phrased in prohibitory terms: “An agency shall not require a supplemental or subsequent EIR unless one of the statutory exceptions exists” (Kostka & Zischke “Practice under the California Environmental Quality Act” § 19.40).

QUESTIONS

Please feel free to contact Stacey Simon (760.924.1704 or ssimon@mono.ca.gov) with legal questions regarding AB 52, SB 18 or CEQA compliance; and Wendy Sugimura (760.924.1814 or wsugimura@mono.ca.gov) with any questions.

ATTACHMENTS

1. Emails related to SB 18 consultation request and topics
2. Email related to SB 18 consultation accepting mitigation measure
3. Email related to SB 18 consultation acknowledging well analysis
4. Responses to comments from the October 2020 Board meeting, including tribal comments

INFORMATION SOURCES

- A. AB 52 legislative text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52
- B. Summary of AB 52 requirements and best practices (powerpoint) by General Counsel for the Native American Heritage Commission: https://www.counties.org/sites/main/files/file-attachments/ab52_tribal_consultation_best_practices_calepa.pdf
- C. New Tribal Consultation Requirement: AB 52 (powerpoint) by Best Best & Krieger Law Firm for the Association of Environmental Professionals and American Planning Association: <http://oc-apa.org/wp-content/uploads/2013/12/The-New-Tribal-Consultation-Requirement-AB-52.pdf>
- D. Tribal Consultation Guidelines, Supplement to General Plan Guidelines, Governor’s Office of Planning and Research, November 14, 2005. <http://nahc.ca.gov/wp-content/uploads/2019/04/SB-18-Tribal-Consultation-Guidelines.pdf>

From: [Michael Draper](#)
To: [Sandra Bauer](#); [Wendy Sugimura](#); [Gerry LeFrancois](#)
Subject: FW: Tioga Consultation
Date: Monday, August 5, 2019 11:48:20 AM

FYI – just received.

From: charlotte Lange <char54lange@gmail.com>
Sent: Monday, August 5, 2019 11:10 AM
To: Michael Draper <mdraper@mono.ca.gov>
Cc: Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>
Subject: Tioga Consultation

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Hello,
The Mono Lake Kutzadika Tribe is requesting consultation.
We are available Friday, August 9, 2019 at 1:30. If this date inconvenient, please let me know and we'll reschedule.
Thank you.
Charlotte Lange
Chairperson

From: [Michael Draper](#)
To: [Sandra Bauer](#); [Wendy Sugimura](#); [Gerry LeFrancois](#)
Subject: FW: Consultation with Mono Lake Tribe
Date: Friday, August 16, 2019 2:46:27 PM
Attachments: [image001.png](#)

FYI -

From: Michael Godbe <mgodbe@calindian.org>
Sent: Friday, August 16, 2019 1:27 PM
To: Michael Draper <mdraper@mono.ca.gov>
Cc: Angela Williams <mono1paiute@gmail.com>; charlotte Lange <char54lange@gmail.com>
Subject: RE: Consultation with Mono Lake Tribe

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Michael,

The main item the Tribe wants to discuss on Monday is the importance of compensating tribal monitors. The Tribe would also like to discuss potential impacts on the well of neighboring Indian allotment holders. These are the primary concerns and topics for Monday's consultation.

Thank you; we look forward to discussing these matters further with you on Monday.

Have a good weekend,

Mike

Michael Godbe

Staff Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

www.calindian.org

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From: Michael Draper [<mailto:mdraper@mono.ca.gov>]
Sent: Thursday, August 15, 2019 4:08 PM
To: Michael Godbe <mgodbe@calindian.org>; Angela Williams <mono1paiute@gmail.com>; charlotte Lange <char54lange@gmail.com>
Cc: Barbara Coons <bjharley@gmx.com>; Gerry LeFrancois <glefrancois@mono.ca.gov>; Sandra Bauer <Sandra@bpsinc.com>
Subject: RE: Consultation with Mono Lake Tribe

Great, I've sent out a meeting invitation to everyone.

Could you provide the goals or discussion items that you would like to go over at the meeting?

Having those may better prepare us all to discuss.
Thank you,

Michael Draper

Mono County Planning Analyst II

Community Development Department

PO Box 347

437 Old Mammoth Rd, Suite 220

Mammoth Lakes, CA 93546

760-924-1805

From: Michael Godbe <mgodbe@calindian.org>

Sent: Thursday, August 15, 2019 4:02 PM

To: Angela Williams <mono1paiute@gmail.com>; charlotte Lange <char54lange@gmail.com>

Cc: Barbara Coons <bjharley@gmx.com>; Gerry LeFrancois <glefrancois@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Sandra Bauer <Sandra@bpesinc.com>

Subject: RE: Consultation with Mono Lake Tribe

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That works for me as well.

Michael Godbe

Staff Attorney



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From: Angela Williams [<mailto:mono1paiute@gmail.com>]

Sent: Thursday, August 15, 2019 3:14 PM

To: charlotte Lange <char54lange@gmail.com>

Cc: Barbara Coons <bjharley@gmx.com>; Gerry LeFrancois <glefrancois@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>; Michael Godbe <mgodbe@calindian.org>; Sandra Bauer

<Sandra@bpesinc.com>

Subject: Re: Consultation with Mono Lake Tribe

Monday at 315 works for me!

On Thu, Aug 15, 2019 at 3:02 PM charlotte Lange <char54lange@gmail.com> wrote:

Yes, that works for me. If not for others, at this time, I have nothing scheduled for next week.

Charlotte

On Thu, Aug 15, 2019, 10:06 AM Michael Draper <mdraper@mono.ca.gov> wrote:

Hello Chairwoman Lange,

Would 3:15 p.m. on Monday in our Mammoth office work for you?

Thank you,

Michael Draper

From: Michael Godbe <mgodbe@calindian.org>

Sent: Thursday, August 15, 2019 9:28 AM

To: charlotte Lange <char54lange@gmail.com>

Cc: Michael Draper <mdraper@mono.ca.gov>; Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: RE: Consultation with Mono Lake Tribe

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Charlotte,

Would you suggest some times next week that are convenient for yourself and others? I am available next week to come up to Mammoth or Lee Vining any day/time except for Monday before 2pm. I could be in Mammoth by 2pm or later on Monday.

Mike

Michael Godbe

Staff Attorney

California Indian Legal Services

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From: charlotte Lange [<mailto:char54lange@gmail.com>]

Sent: Wednesday, August 14, 2019 11:07 PM

To: Michael Godbe <mgodbe@calindian.org>

Cc: Michael Draper <mdraper@mono.ca.gov>; Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: Re: Consultation with Mono Lake Tribe

Hello everyone,
I am available Friday, but seems not convenient for others. Let me know if still on for Friday. Next week will be fine as well. Let me know.
Charlotte.

On Wed, Aug 14, 2019, 12:51 PM Michael Godbe <mgodbe@calindian.org> wrote:

Michael,
Chairwoman Lange has informed me that she is not available to meet tomorrow, however I am now available on Friday (which I wasn't before).
We would prefer to meet in Mammoth Lakes. I have not yet been able to confirm if Chairwoman Lange is available to meet on Friday, but, if she is, is there a time you would be available meet on Friday in Mammoth Lakes?

Thanks,

Mike

Michael Godbe

Staff Attorney

California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

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From: Michael Draper [mailto:mdraper@mono.ca.gov]

Sent: Tuesday, August 13, 2019 1:24 PM

To: Michael Godbe <mgodbe@calindian.org>; charlotte Lange <char54lange@gmail.com>

Cc: Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: RE:

Hello All,

Please let me know of a good time to meet this week.

Would you like to meeting at the Mammoth office or in Lee Vining?

Thank you,

Michael Draper

From: Michael Godbe <mgodbe@calindian.org>

Sent: Wednesday, August 7, 2019 1:37 PM

To: Michael Draper <mdraper@mono.ca.gov>; charlotte Lange <char54lange@gmail.com>

Cc: Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: Re:

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Michael,

Thank you for clarifying about Friday. In case it is not clear, my organization represents the Mono Lake Tribe.

I am assuming the meeting will be in Lee Vining, but please let me know if not. I am currently available to meet in Lee Vining on Tuesday after 1pm, anytime Wednesday, and Thursday between 12pm and 3:30pm.

Thank you,

Mike

Michael Godbe

Staff Attorney

California Indian Legal Services

Sent from a Mobile Device

From: Michael Draper <mdraper@mono.ca.gov>

Sent: Tuesday, August 6, 2019 4:56:18 PM

To: Michael Godbe <mgodbe@calindian.org>; charlotte Lange <char54lange@gmail.com>

Cc: Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: RE:

Hello Michael,

That is correct, Friday's meeting is not occurring and we are working to reschedule that meeting. The consultant working on this project is currently out of phone/email service until Friday and we feel her presence would be critical to this meeting.

Please let me know what times work best on Tuesday, Wednesday, Thursday.

Thank you,

Michael Draper

Mono County Planning Analyst II

Community Development Department

PO Box 347

[437 Old Mammoth Rd, Suite 220](#)

[Mammoth Lakes, CA 93546](#)

760-924-1805

From: Michael Godbe <mgodbe@calindian.org>

Sent: Tuesday, August 6, 2019 12:28 PM

To: charlotte Lange <char54lange@gmail.com>; Michael Draper <mdraper@mono.ca.gov>

Cc: Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>

Subject: RE:

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I think I may have been left off of an email. Does Charlotte's email below mean that the proposed consultation at 1:30pm on Friday is not occurring at that time and day? Please let

me know if a new date and time has been proposed / decided on.

Thank you,

Mike

Michael Godbe

Staff Attorney

California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

www.calindian.org

CONFIDENTIALITY NOTICE: Do not read this e-mail if you are not the intended recipient. This e-mail transmission, and any documents, files or previous e-mail messages attached to it may be subject to the attorney-client privilege, be attorney work product, or be strictly confidential. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is prohibited and unauthorized interception of this e-mail is a violation of federal criminal law. If you have received this e-mail transmission in error, please immediately advise us by reply e-mail to the sender (only), by forwarding the e-mail message to contactCILS@calindian.org or by calling (760) 873-3581, and destroy the original e-mail transmission and its attachments without reading or saving them in any manner. Thank you.

From: charlotte Lange [<mailto:char54lange@gmail.com>]

Sent: Monday, August 5, 2019 3:51 PM

To: Michael Draper <mdraper@mono.ca.gov>; Angela Williams <Mono1paiute@gmail.com>; Barbara Coons <bjharley@gmx.com>; Michael Godbe <mgodbe@calindian.org>

Subject:

Yes, we can reschedule. Let me know what's best for you.

Charlotte

From: [charlotte Lange](#)
To: [Wendy Sugimura](#)
Cc: [Bob Gardner](#)
Subject: Re: Kutzadika" Tribe comments on Tioga Inn
Date: Wednesday, September 23, 2020 12:52:29 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.

Thanks for the info.
Charlotte

On Tue, Sep 22, 2020, 9:22 PM Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

Dear Chairwoman Lange:

Supervisor Gardner asked me to follow up further and provide the details about the Andrews well that is referenced in my email.

The staff report for the 6 August 2020 Board of Supervisors meeting states, “The Team Engineering study shows that the Tioga Inn well is not in the Lee Vining Creek watershed, or any of the Lee Vining Creek sub-watersheds, and also shows that the Tioga well is in the same watershed as the Andrews well, but not in the same aquifer as the Andrews well. Additional information concerning the Andrews well is provided in FSEIR Topical Response #11, Water Quality and Water Supply.”

The Final Subsequent Environmental Impact Report (FSEIR) states the following: “The project hydrologist has reviewed and analyzed concerns raised by the Mono Lake Kutzadika’s Tribe regarding project impacts on the neighboring Andrews family Indian allotment wells. By way of background, the Andrews family in 1980 installed a well on their property at a depth of 250 feet; the well did not reach groundwater. In 1992, the family hired Maranatha to drill through the bottom of the original hole to a new depth of 370 feet. With the second effort, Maranatha did reach groundwater, and the new well produced groundwater at an estimated rate of 30 gallons per minute (gpm). The static water level of the new well stabilized at 230 feet.

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. Based on this review, the hydrologist concludes that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (i.e., not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump

than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well).

The pump stress test conducted for the proposed Community Housing Project showed no interference with the Winston well, which is located northwest of and in the same groundwater basin as the Tioga well, and is nearly the same distance away as the Andrews well. Even if no recharge to the basin occurred in a given year, the project hydrologist indicates that it is highly unlikely there would be a noticeable drop in the groundwater levels of surrounding wells solely due to annual production from the Tioga well. Based on these considerations, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews' wells resulting from groundwater production in these two wells.”

I have attached the 6 August 2020 staff report, the Team Engineering study, and FSEIR Topical Response #11 for your convenience.

Thank you,

Wendy Sugimura

Community Development Director

760.924.1814

From: Wendy Sugimura
Sent: Thursday, September 10, 2020 5:07 PM
To: Charlotte Lange <char54lange@gmail.com>
Cc: Bob Gardner <bgardner@mono.ca.gov>
Subject: Kutzadika'a Tribe comments on Tioga Inn

Dear Chairwoman Lange:

The Mono County Community Development Department is in receipt of your email dated August 9 commenting on the Tioga Inn Specific Plan Amendment, as well as emails from Vicki Glazier, Jocelyn Sheltraw, and Angela Williams Eddy. Mono County welcomes these comment letters from the Tribe and tribal members.

The concerns raised in the recent emails, including water usage, potential depletion of the Andrews well, law enforcement, medical services, and impacts to community character have been addressed in the published materials on the project and the California Environmental Quality Act (CEQA) analysis. Concerns about pollution and land fill are also addressed in the CEQA analysis; please let me know if there are specific aspects of those issues that were not considered.

Lastly, although not mentioned in any of the emails, testimony from the Tribe at the August public hearing indicated an arrowhead was found on the site. The Community Development Department recognizes that the project area is within the traditional territory of the Kutzadika'a and that the evidence of your ancestors' use of the land may well be found in the project area. The archaeological survey conducted for the project documented a few other isolated artifacts, although no archaeological sites or historic properties potentially eligible for the California Register of Historical Resources were discovered. During our previous consultations, we identified a mitigation measure that is being voluntarily provided by the applicant for the discovery of cultural resources during the project implementation. We understand that the mitigation measure resolved that issue, as indicated in an email dated January 13, 2020, from Michael Godbe, the attorney from California Indian Legal Services representing the Tribe.

Thank you again for the Tribe's input. Mono County values input from the Tribe and recognizes the need to be respectful of traditional lands and values while also adhering to our responsibilities to private landowners.

Thank you,

Wendy Sugimura

Community Development Director

PO Box 347

1290 Tavern Road, Suite #138

Mammoth Lakes, CA 93546

760.924.1814

**Attachment 6:
Responses to Comments Requested by the Board**

1. Response to 4 August 2020 comment letter from Matt Banta (the original comment letter is attached)
2. Response to letter from Angela Williams Eddy, Mono Lake Kutzadida'a Tribal Vice Chairwoman
3. Email exchange with Charlotte Lange, Mono Lake Kutzadika'a Tribe Chairwoman and original emails

Response to 4 August 2020 Comment Letter from Matt Banta

Response to Hydrology Concerns Raised in Public Comment Letter

The Mono County Board of Supervisors received correspondence on 4 August 2020 from Matt Banta (Attachment 1) that raised questions concerning potential impacts of project water demands on the Mono Groundwater Basin. In response, the Project Hydrologist (Roger Smith of SGSI) has provided information as presented in the discussion below.

Comments provided in the 4 August letter indicate that the author has not fully reviewed information provided in the environmental record for the proposed Community Housing Project. The author makes reference to a 4-hour pump test at 150 gallons per minute (gpm), as a comparison to the water level elevation of Mono Lake. The referenced pump test (by Kleinfelder) was performed more than 25 years ago, and was used in the current hydrologic assessments only for backup data. A new pump test was performed for the current project EIR (i.e., the 2017 24-hour "long term" aquifer test). Results of the 2017 pump test (which were not mentioned in the August 2020 comment letter) refute the claim made by the commenter that boundary conditions were found. The project wells are located over a mile from Mono Lake, and drawdown from the wells remains over 50 feet above the elevation of Mono Lake. Based on the foregoing, it is not reasonable to postulate that the project wells will cause saltwater intrusion into the aquifer. The springs along the lake shore indicate that there is a hydraulic pressure gradient of fresh water pushing against the salt water of the lake from the west, and the 2017 pump test showed that there was no impact on the Winston well. With construction of a second well on the Tioga site, it will be possible to compile additional data on how far the cone of groundwater level depression extends while the wells are being pumped.

The two Tioga Inn wells and the Andrews well are the only active wells in the study area south of the Lee Vining Study area of Team's Mono Basin Report (Figure 3 Subwatershed Map, Lee Vining). As noted in response to the comment letter submitted during June 2020, the Andrews well is in the same watershed, but not in the same aquifer, as the Tioga wells. Thus, the only potential impacts to the aquifer from pumping the Tioga wells would be a decrease in water flow from "nearby" springs. Because the wells are more than a mile from these springs, and the recharge to the basin is high, and the pumping rate is so low, any impacts of the Tioga wells on the spring flow would be negligible and unmeasurable. Additional discussion of these issues is provided in Sections 3.0, 3.8., and 3.11 of the Team Engineering Report (Surface Water and Groundwater and Basin Assessment, Lee Vining^a). It is also noted that the Tioga Inn project has been pumping from Well #1 for more than 25 years with no known detriment to the nearest springs.

The comment letter asks if water use during construction would require more water than the daily use when the project is complete and fully operational. For several reasons, it is anticipated that construction will use less water than future water demands. Key factors include the fact that construction will occur primarily during daylight hours, and for a relatively short period of time, with maximum water consumption limited by the wells' production capability of up to 125 gpm each. Additionally, Well #1 was used as the sole source of construction water during Caltrans' expansion of US 395 from 2-lanes to 4-lanes. The well operated a full capacity for the duration of that construction effort, which continued over an 8 month period around 2004. Well #1 was later used as the sole water source for the reconstruction of Lee Vining Airport. There was no sustained decline in water levels during either project.

As discussed in DSEIR/FSEIR §5.2 (Hydrology), and in response to DSEIR review comments submitted by the Lahontan Regional Water Quality Control Board (LRWQCB), monitoring wells will be provided on the project site along with other mitigation requirements that have been developed to protect area water quality and area water supply in the

^a See Attachment 4 to the 6 August 2020 staff report for the Board of Supervisors meeting, available at https://monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/meeting/30949/08_aug_06_2020_special_agenda.pdf.

event the proposed Community Housing Project is approved. Requirements include (a) Mitigation HYDRO 5.2(b-1) detailing decommissioning of the existing septic system and limits on future use of the existing leachfield, (b) Amended Mitigation HYDRO 5.2(b-2) specifying percolation rates and minimum distance from high groundwater for the new leachfield, (c) Mitigation HYDRO 5.2 (b-3) specifying treatment standards and performance goals for the new package system, (d) Mitigation HYDRO 5.2(b-4) requiring Title 22 compliance, or a written letter from the SWRCB Division of Drinking Water stating that the project does not need to satisfy Title 22 criteria, (e) New Mitigation HYDRO 5.2(b-5) requiring that the project provide at least 3 monitoring wells (1 upgradient and 2 downgradient of the package treatment system), in locations and at depths to be determined by LRWQCB during permitting, (f) New Mitigation HYDRO 5.2(b-6) requiring that the package treatment system be modified to include nitrogen removal systems if the monitoring wells show a sustained increase in groundwater salinity levels.

The WWTP monitoring wells will be separated from the water supply wells by approximately 1500 feet. The monitoring wells will provide information about groundwater flow and gradient for the treatment system, and may determine whether the waste system and the water supply wells are located in separate aquifers, as hypothesized on the basis of current information. Groundwater flow in this area is most likely towards the lake, due to elevation differences and recharge from upslope. However, there may be fault or boundary conditions that shift groundwater flow in a slightly different direction, as discussed in Section 3.4 of the Team Engineering Report. Issues pertaining to the Andrews well were addressed in depth in FSEIR Topical Response #11.

The commenter requests that the project applicant undertake studies to characterize the entire Mono Basin. The proposed project has a de minimis impact on overall Mono Basin hydrogeology. Far more important to basin hydrology are the operations of LADWP and SCE, as well as many other smaller operations. A fairly detailed characterization of the Mono Basin hydrogeology is provided in the Mono Basin watershed studies prepared for Mono County by Team Engineering.

The first Tioga well has been in operation for more than 25 years, and producing water supply at a rate that is sufficient to meet all foreseeable future demands of the project including existing and proposed elements. SGSI recommendations for Well #1 are to periodically clean it and remove sediment build up from the sump to maintain well capacity and efficiency. Well #2 was not installed to meet water demands, but rather was installed as a back-up well, to meet the well reliability requirements of the State of California. The project applicant does not plan, or foresee a need, to construct a third well. Normal completion times to construct a well of this size and depth would be 2-3 weeks, irrespective of the 6-month timeframe used by Maranatha to construct Well #2. Please note that neither Well #1 nor Well #2 is part of the proposed Community Housing Project.

Attachment 1: Comment letter from Matt Banta dated 4 August 2020

August 4, 2020

14175 Saddlebow Dr.
Reno NV, 89511
775-843-1908
mbantah2o@yahoo.com

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

Regarding: Tioga Inn Project - Water Resource Development Plan (General Comments)

Dear Mono County Board of Supervisors,

Greetings, my name is Matt Banta. I am of over five generations to have been born and raised in the Eastern Sierra and of four generations whom have called Lee Vining and the Mono Basin home. I am a graduate of Mammoth High School, a community volunteer, and an advocate of preserving the intrinsic values of wild unspoiled places, such as the Mono Basin. I am proponent of sustainable development and industry. I am also a professional hydrogeologist with many years of experience in various development markets.

For over two decades, the Tioga Inn Project (Project) has been in a process of on-going planning and feasibility level studies. From a water resources perspective, the data presented from previous groundwater and surface water resource evaluations is insufficient to defensibly establish baseline data required to evaluate cumulative impacts. Specifically, impacts resulting from the long-term stress to the underlying alluvial groundwater system has not been characterized in accordance with acceptable engineering practices. Impacts to surface water resources, i.e. Lee Vining Creek, and regional seeps and springs have not been assessed. A hydrologic study area (HSA) has not been established, nor has the hydrology within the HSA been characterized to define basic hydrological parameters. At minimum, these baseline parameters should include characterizing the groundwater flow direction, gradient, transmissivity, and storage coefficients of the underlying aquifer(s). The current hydrological evaluation supporting the Project is insufficient in characterizing these parameters and does not address feasibility level impacts since it lacks site specific data.

The following provides a summary of data gaps which must be addressed to defensibly evaluate cumulative impacts and provide feasibility level design specifications for the Project:

1. The Project does not provide a detailed water balance and the yearly duty of groundwater extraction has not been completely defined. For example, there is no accounting for construction water demand through each phase of development. It is unclear if the existing

water supply well has sufficient capacity to support construction and dust suppression activities during summer months. Has Mono County accounted for all components of the Project's water demand and can the existing well support those demands through the life of the Project? Please provide a detailed water balance accounting for each development phase to ensure the existing well can support the entire Project. Please also provide a statement indicating no water will be required from the Lee Vining community water system to supplement the existing supply well(s) during construction activities.

2. As indicated above, baseline water resource parameters have not been characterized. It is not clear what the gradient or direction of groundwater flow beneath the Project is. Without this basic information, future downgradient groundwater monitoring wells cannot be located to establish baseline conditions or monitor for potential impacts resulting from the proposed wastewater management system. At minimum, three piezometers must be installed in the vicinity of the proposed system to define the gradient and groundwater flow direction. The elevation of groundwater measured from the piezometers will be required to properly establish a defensible downgradient monitoring location, which is currently lacking from the plan.

3. There has been no long-term aquifer test to assess boundary conditions or establish aquifer parameters such as Transmissivity or Storativity (T&S) outside the vicinity of the existing wellbore. These parameters are required to simulate a long-term stress to the underlying groundwater system and should be based on realistic Projects extraction rates. The data generated from the short-term well test indicated drawdown occurred to an approximate elevation of 6,252 feet above mean sea level (feet amsl) at an extraction rate of 150 gallons per minute (GPM) over 4-hours. The approximate surface elevation of Mono Lake located 1-mile east of the well is 6,400 feet amsl. The short-term test indicates drawdown will occur below the elevation of Mono Lake at a pumping rate of 150 GPM. A longer-term test conducted at a pumping rate which realistically simulates the operational demand of the Project will be required to determine if long-term drawdown also persist at a lower rate or, if near steady state conditions can be achieved in the aquifer.

4. The head dynamics between Lee Vining Creek, Mono Lake, and the seeps and spring in the vicinity of Mono Lake, vs. the long-term groundwater demand (still to-be-defined) have not been examined. Since there is no analyses of constant head or constant flux boundaries, it is unknown if the Project's pumping wells will reverse the hydraulic gradient in a direction away from Mono Lake back towards the extraction wells. In this case, the fresh water alluvial aquifer system which the Project wells are located may be contaminated with saline lake water. This dynamic must be defined to eliminate potential to degrade waters of the State and not violate regulations protecting fresh-water aquifers. Additionally, seeps and springs in the vicinity of

Mono Lake may cease to flow through prolonged extraction from the alluvial groundwater system. Please provide evidence that the long-term net extraction of groundwater, including the demand for construction water will not impact other water resources in terms of direct impacts to water quality and discharge rates.

5. Since storage parameters and boundary conditions have not been defined, there is no defensible evidence indicating the Project's long-term use of groundwater will not impact the neighboring domestic well located on the Andrews' property, approximately 0.75 miles south of the Project. Please provide evidence indicating the Andrews Well will not be impacted by the Project, or provide a monitoring, mitigation and maintenance plan to address potential impacts to the nearby domestic well.

In terms of feasibility, the capital expenditures to construct and maintain new wells which are designed to be in compliance with California well standards, the storage tanks, wastewater treatment system, and all other water conveyance systems requires further examination to define the magnitude of respective impacts. For example, drilling of additional wells or piezometers will likely be required to meet future permit conditions or operational demands. This work will be completed at the expense of the Project proponent. The most recent Project well was spud in October 2019 and completed in early summer 2020 (over half a year to complete one well). The well was poorly designed and will likely have a well-life similar to the Proponent's original water supply well. Has Mono County considered the visual impacts associated with a single well drilling program which was drug out over the course of half a year? Please consider supporting a timeframe for completion of any new wells to avoid prolonging undue degradation of visual resources within the Mono Basin.

In closing, please be aware this comment letter was not solicited from any single organization. From a technical water resource perspective, the existing baseline data and impact analyses is not sufficient to support the Project, nor is it defensible. From a personal perspective, the people who live and recreate in the Mono Basin are distinctively tied to the waters. These waters are sacred and have been protected for thousands of years with the lives of countless individuals dedicated to its preservation. We would be abandoning our duties as scientist and remiss as stewards of this remarkably unique environment if we ignore our responsibility to complete the full due analysis based on the best available science. Anything less would desecrate the work and the path set forth by those individuals who fought tirelessly to protect these extraordinary resources from exploitation.

With urgency, please consider filling the data gaps which are required to defensibly evaluate cumulative impacts and provide realistic feasibility level water resource design specifications for the Project.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matt D. Banta", with a horizontal line underneath.

Matt Banta

Mono County response in blue, dated Sept. 22, 2020.

To Whom It May Concern:

September 1, 2020

I, Angela Williams Eddy a Mono Lake Kutzadika'a Tribal member/Tribal Council Vice Chairwoman writing this letter with concerns, facts and reasons that no building or disturbance of our sacred lands in the Tioga Inn project. I am opposed to this project.

Thank you for your letter and the information you have provided. The Mono County Community Development Department (Department) recognizes that the entire landscape is considered traditional lands of the Kutzadika'a Tribe and respects the Tribe's cultural heritage. At the same time, the Department must honor current legal land use laws and private property owner rights.

Our concerns are that Native artifacts have been found on this land and in the area.

In the original archaeological survey for the project, conducted in 1984, portions of the Lee Vining Ditch and associated 20th-century artifacts were recorded, as well as an obsidian flake and a small pumice block. Because that survey was over 30 years old, the project area was resurveyed in 2016 for the Supplemental Environmental Impact Report (SEIR). Eleven isolated artifacts were documented during that survey; four of these were obsidian flakes, the others include cans and can fragments that date to the mid- to late 20th century, a whiteware bowl dating to between 1958 and 1980, a saw-cut stump, and asphalt fragments. The Lee Vining Ditch was determined ineligible for the National Register of Historic Places or the California Register of Historical Resources in 1996 as part of the Highway 395 widening project. Even with the additional biface found by a tribal member in 2020, none of the isolates meet the criteria for the California Register of Historical Resources, either individually or taken together.

Its also known as a walking path of the Mono Lake Kutzadika'a tribe to and from town, to the known areas of our people that lived out by Williams Bluff, Cane Ranch, Rush Creek , Tioga pass, and Yosemite. The fact that multiple cry dances took place in this area in which it makes it sacred land. A fact that I have knowledge of and took part in 1988 when my Great Grandmother (Hutsi) Vina Williams took her journey. This area is important to our heritage, culture, people and the future of our people.

The County recognizes that not all Tribal Cultural Resources will be found during archaeological survey and, following the provisions of AB 52, consultation was held with the Kutzadika'a Tribe. In meetings with the county staff, Tribal representatives identified several concerns, including public safety, traffic, noise, and competition with existing Lee Vining motels. Many of these concerns are shared by members of the public, and the EIR has addressed them and identified mitigation measures where appropriate.

The Kutzadika'a Tribe and the Bridgeport Indian Colony also stated concerns about the potential for human burials to be encountered during ground disturbance: as we understand it, burials were often not marked, and if they were located away from villages, there would be few artifacts accompanying them. To address this concern, the applicant voluntarily agreed to adopt a mitigation measure to provide some funding for monitoring by qualified tribal members and/or training for the construction crew. The mitigation measure was accepted in an email dated 13 January 2020 from Michael Godbe, the attorney from California Indian Legal Services representing the Tribe.

The Department recognizes the importance of cry dances. To the owner's knowledge, no cry dances have taken place on the property for the past approximately 37 years since he has been the owner. We realize that cry dances and other traditions and ceremonies have likely occurred in the vicinity, given the Kutzadika'a's long history in the area, and that the landscape in its entirety is sacred to indigenous people. It is beyond the scope of the current analysis to address the management of sacred lands in general, but we hope that with continued communication and collaboration, the County and the Tribe will be able to work together to better acknowledge and honor the Kutzadika'a's heritage. With that in mind, the County would be happy to facilitate a conversation between the Tribe and public land managers such as the Bureau of Land Management and/or Inyo National Forest to find and establish an appropriate cry dance site should the Tribe be interested. Given the current level of existing and approved development on the Tioga Inn Specific Plan site, the location is likely not ideal for a cry dance site regardless of the currently proposed project.

There are important concerns and questions we have about the contract that was approved in 1993. Was the tribe offered consultation or involved? Were there tribal monitors there when surveyed and when ground breaking began for the building of the gas station? Who? Were they certified? Why now?

In 1993, the California Environmental Quality Act did not readily or directly include California Native American tribes' knowledge and concerns. Although an archaeological survey was conducted at that time, Tribes were treated as regular members of the public, and were not afforded specific government-to-government consultation. The California state legislature tried to remedy this situation with Senate Bill (SB) 18, passed in 2005, and Assembly Bill (AB) 52, passed in 2014. The provisions of AB 52 have been incorporated into CEQA, Division 13 of the Public Resources Code. The County has followed the provisions of SB 18 and AB 52 for the currently proposed Specific Plan Amendment, but the 1993 approvals are not reconsidered as part of the current project.

Instead of building lets help local community businesses (motels) by using them as seasonal housing for the workers. Already a safety hazard with the gas station in that area, vehicles parked all over the side of road, people running and walking on HWY120 to get to and from those vehicles, a distraction from HWY395 for traffic

passing by. Also was having live entertainment part of the contract? Do they have permits? Do they have security and safety in place for the public? What about drinking and noise ordinances? I believe we should come together and renegotiate this contract do to the findings of Native Artifacts and the tribal sacred land.

Local motels and hotels are generally fully booked during the summer season when employee housing is at peak demand. However, these properties are welcome to utilize rooms at any time of the year for longer term rental housing; it is a private business choice that does not involve the County. As for the parking and pedestrian safety situation, both will be substantially reorganized and cleaned up in the current proposal. The project has coordinated with Caltrans on parking along State Route 120 and the entry roadway will be slightly reconfigured to improve traffic circulation. The live entertainment is considered an allowable ancillary use to the deli and is being formally acknowledged under the current proposed project, alcoholic beverage consumption is regulated by the California Department of Alcoholic Beverage Control (ABC), and all uses on the site are required to comply with the noise ordinance as set forth in Mono County Code.

So in closing can we please compromise, work together to come up with another solution? You have the Gas station that is making a great deal of money, while serving the community and tourist. More building just destroys mother earth and brings more people into a very content small community. Than it soon becomes a crowded over populated city and you lose the tourist. Another fact is that it is a Native sacred site being artifacts have been found on the land and that cry dances took place in that area. Our people are asking please leave our sacred land undisturbed? Our heritage, culture, traditions, land and people are very important to us.

Unfortunately, the County is not currently revisiting the development approvals issued in 1993 under the current project proposal. During review of the current project proposal, several concerns were identified by the Tribe and addressed through a voluntary agreement by the property owner to fund cultural monitoring by qualified tribal members and/or training for the construction crew in identification of cultural resources. Other compromises and project revisions by the property owner include: the provision of housing to alleviate the housing need in the county, reduction in scale of the original project (which proposed a third story on the hotel and a larger restaurant), a secondary emergency access road, solar panels, a recycled water system, lighting restrictions exceeding the County's regulations for dark sky protection, and several others that will be listed in the 13 October 2020 staff report for the upcoming Board of Supervisors meeting. Please let us know if you have any specific additional mitigations to propose for the current project, which is the only proposed development under consideration at this time.

Thank you for your time and consideration,

Thank you again for your letter, and for your prior participation in the Kutzadika'a's consultation with the county. We recognize your continuing cultural ties to the land and the importance of your traditional heritage, and appreciate the Tribe's efforts to help us meet our responsibilities under CEQA. In addition to the offer to help identify a cry dance site, the County is happy to support the Tribe's effort for federal recognition which has been introduced by Congressman Cook. Please let us know if the Tribe has any interest in pursuing either of these two issues.

Angela (Williams) Eddy
Mono Lake Kutzadika'a Tribal Member/Vice Chairwoman

From: [charlotte Lange](#)
To: [Wendy Sugimura](#)
Cc: [Bob Gardner](#)
Subject: Re: Kutzadika" Tribe comments on Tioga Inn
Date: Wednesday, September 23, 2020 12:52:29 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.

Thanks for the info.
Charlotte

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Dear Chairwoman Lange:

Supervisor Gardner asked me to follow up further and provide the details about the Andrews well that is referenced in my email.

The staff report for the 6 August 2020 Board of Supervisors meeting states, “The Team Engineering study shows that the Tioga Inn well is not in the Lee Vining Creek watershed, or any of the Lee Vining Creek sub-watersheds, and also shows that the Tioga well is in the same watershed as the Andrews well, but not in the same aquifer as the Andrews well. Additional information concerning the Andrews well is provided in FSEIR Topical Response #11, Water Quality and Water Supply.”

The Final Subsequent Environmental Impact Report (FSEIR) states the following: “The project hydrologist has reviewed and analyzed concerns raised by the Mono Lake Kutzadika’s Tribe regarding project impacts on the neighboring Andrews family Indian allotment wells. By way of background, the Andrews family in 1980 installed a well on their property at a depth of 250 feet; the well did not reach groundwater. In 1992, the family hired Maranatha to drill through the bottom of the original hole to a new depth of 370 feet. With the second effort, Maranatha did reach groundwater, and the new well produced groundwater at an estimated rate of 30 gallons per minute (gpm). The static water level of the new well stabilized at 230 feet.

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. Based on this review, the hydrologist concludes that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (i.e., not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump

than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well).

The pump stress test conducted for the proposed Community Housing Project showed no interference with the Winston well, which is located northwest of and in the same groundwater basin as the Tioga well, and is nearly the same distance away as the Andrews well. Even if no recharge to the basin occurred in a given year, the project hydrologist indicates that it is highly unlikely there would be a noticeable drop in the groundwater levels of surrounding wells solely due to annual production from the Tioga well. Based on these considerations, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews' wells resulting from groundwater production in these two wells.”

I have attached the 6 August 2020 staff report, the Team Engineering study, and FSEIR Topical Response #11 for your convenience.

Thank you,

Wendy Sugimura

Community Development Director

760.924.1814

From: Wendy Sugimura
Sent: Thursday, September 10, 2020 5:07 PM
To: Charlotte Lange <char54lange@gmail.com>
Cc: Bob Gardner <bgardner@mono.ca.gov>
Subject: Kutzadika'a Tribe comments on Tioga Inn

Dear Chairwoman Lange:

The Mono County Community Development Department is in receipt of your email dated August 9 commenting on the Tioga Inn Specific Plan Amendment, as well as emails from Vicki Glazier, Jocelyn Sheltraw, and Angela Williams Eddy. Mono County welcomes these comment letters from the Tribe and tribal members.

The concerns raised in the recent emails, including water usage, potential depletion of the Andrews well, law enforcement, medical services, and impacts to community character have been addressed in the published materials on the project and the California Environmental Quality Act (CEQA) analysis. Concerns about pollution and land fill are also addressed in the CEQA analysis; please let me know if there are specific aspects of those issues that were not considered.

Lastly, although not mentioned in any of the emails, testimony from the Tribe at the August public hearing indicated an arrowhead was found on the site. The Community Development Department recognizes that the project area is within the traditional territory of the Kutzadika'a and that the evidence of your ancestors' use of the land may well be found in the project area. The archaeological survey conducted for the project documented a few other isolated artifacts, although no archaeological sites or historic properties potentially eligible for the California Register of Historical Resources were discovered. During our previous consultations, we identified a mitigation measure that is being voluntarily provided by the applicant for the discovery of cultural resources during the project implementation. We understand that the mitigation measure resolved that issue, as indicated in an email dated January 13, 2020, from Michael Godbe, the attorney from California Indian Legal Services representing the Tribe.

Thank you again for the Tribe's input. Mono County values input from the Tribe and recognizes the need to be respectful of traditional lands and values while also adhering to our responsibilities to private landowners.

Thank you,

Wendy Sugimura

Community Development Director

PO Box 347

1290 Tavern Road, Suite #138

Mammoth Lakes, CA 93546

760.924.1814



Michael Draper

From: Wendy Sugimura
Sent: Monday, August 10, 2020 9:34 AM
To: CDD Comments
Subject: FW: Tioga Inn

Follow Up Flag: Follow up
Flag Status: Flagged

Wendy Sugimura
Community Development Director
760.924.1814

-----Original Message-----

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Saturday, August 8, 2020 9:12 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn

FYI

-----Original Message-----

From: Vicki Glazier <vickimnolk@yahoo.com>
Sent: Saturday, August 8, 2020 8:27 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn

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.

Mr. Gardner,

I strongly oppose the work force housing project being proposed in Lee Vining. As a restaurant and hotel have already been approved, that in itself will hurt the established businesses in Lee Vining. I grew up in Lee Vining and always appreciated the sense of community. Tioga Inn will undoubtedly become a community of itself. Seasonal workers will be moving in and out, with no plans of permanent residency. What about law enforcement and medical services? Those services are limited as it now. The Paiute people lived and traveled all throughout that area and to see the destruction of more our homeland is devastating.

Sincerely,

Vicki Glazier
Mono Lake Kutzadika Tribal Member

Sent from my iPad

Michael Draper

From: Wendy Sugimura
Sent: Monday, August 10, 2020 11:32 AM
To: CDD Comments
Subject: FW: Tioga Inn Project

Follow Up Flag: Follow up
Flag Status: Flagged

Wendy Sugimura

Community Development Director
760.924.1814

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Monday, August 10, 2020 10:52 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn Project

FYI

From: charlotte Lange <char54lange@gmail.com>
Sent: Sunday, August 9, 2020 10:19 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn Project

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Supervisor Bob Gardner,

I am sending this email expressing my opposition to the Tioga Inn Project.

The community of Lee Vining needs to be kept serene, safe and the traditional lands not disturbed as best we can.

The amount of more pollution, land fill, water usage and the well depletion for the Andrew's family are more concerns.

Thank you for your time in considering our request.

Charlotte Lange,

Mono Lake Kutzadika Chairperson

Michael Draper

From: Wendy Sugimura
Sent: Tuesday, August 18, 2020 8:44 AM
To: CDD Comments
Subject: FW: Tioga Inn Project

Wendy Sugimura

Community Development Director
760.924.1814

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Tuesday, August 18, 2020 8:41 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn Project

FYI

From: Bob Gardner
Sent: Tuesday, August 18, 2020 8:40 AM
To: Jocelyn Sheltraw <jocelynscheltraw@gmail.com>
Subject: RE: Tioga Inn Project

Dear Jocelyn,

Thank you for your comments. I will make sure it gets included in the public comments for the Tioga Inn project.

Bob Gardner
Mono County Supervisor

From: Jocelyn Sheltraw <jocelynscheltraw@gmail.com>
Sent: Monday, August 17, 2020 11:11 PM
To: Bob Gardner <bgardner@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.

Hello Supervisor Bob Gardner,

I am emailing you today to express my opposition to the Tioga Inn Project.

I believe that the community of Lee Vining should be kept serene and safe, ultimately ensuring that the traditional lands are the least disturbed as possible. I have concerns over increases in pollution, landfill, and water usage. The well depletion for the Andrew's family is concerning as well.

Thank you for your time in considering our request.

Be well,
Jocelyn Sheltraw
Mono Lake Kutzadika Preservation Chairperson

From: [Sandra Bauer](#)
To: [Wendy Sugimura](#)
Subject: FW: another possible idea for the tioga workforce housing project?
Date: Tuesday, April 7, 2020 9:36:21 AM
Attachments: [image001.png](#)

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.

Wendy,

Below for your review and files is the email from Michael Godbe approving of the revised Cultural Resource Mitigation language:

From: Michael Godbe [mailto:mgodbe@calindian.org]
Sent: Monday, January 13, 2020 1:36 PM
To: Mary Farrell
Cc: charlotte Lange; Sandra Bauer; Dorothy Alther
Subject: RE: another possible idea for the tioga workforce housing project?

Mary and Sandra,

I have discussed the new proposed language with Chairwoman Lange and she approves. We would like to move forward with this new language proposed by Mary (copied from Mary's 12/12 email below):

"MITIGATION CULT 5.4(a). Discovery of Cultural 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 cultural 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 will 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 for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

Thank you both for your continued engagement with the Tribe on this project.

Best,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

Fax: 760.873.7461

www.calindian.org

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Monday, January 13, 2020 10:59 AM

To: Michael Godbe <mgodbe@calindian.org>

Cc: charlotte Lange <char54lange@gmail.com>; Sandra Bauer <sandra@bpsinc.com>; Dorothy Alther <dalth@calindian.org>

Subject: Re: another possible idea for the tioga workforce housing project?

Great, Thank you!

Mary M. Farrell
760-644-4284

On Mon, Jan 13, 2020 at 10:55 AM Michael Godbe <mgodbe@calindian.org> wrote:

Mary and Sandra,

Apologies for the delay. I am meeting with Chairwoman Lange today and plan to respond by the close of business.

Thank you,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

Bishop, CA 93514

760.873.3581

Fax: 760.873.7461

www.calindian.org

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Thursday, January 2, 2020 5:34 PM

To: Michael Godbe <mgodbe@calindian.org>

Cc: charlotte Lange <char54lange@gmail.com>; Sandra Bauer <sandra@bpesinc.com>

Subject: Re: another possible idea for the tioga workforce housing project?

Happy new year, Charlotte and Michael!

Hope you are keeping healthy and happy. Just want to check in on you to see if you have further thoughts on the alternative wording for the Tioga Workforce Housing project. Charlotte, do you agree with Michael that the new wording would be better? With all the holidays, I realize you might not have had a chance to talk with the Bridgeport folks yet, so this note is sort of a reminder! Plus an excuse to wish you happy new year!

I'm copying Sandra Bauer, too, if you want to let her know your preference directly. She said if you could let her know by January 14 (or

maybe it was Jan 15) it would be good!

Thank you both for all you do,
Mary

Mary M. Farrell
760-644-4284

On Mon, Dec 23, 2019 at 11:34 AM Michael Godbe <mgodbe@calindian.org> wrote:

Mary,

I apologize for the delay – I had my first trial on Friday and these past two weeks have been very busy (trial went very well, but it's not over, continued in January).

I have not had a chance to discuss the proposal below with Charlotte yet, but I just re-read the revised one we approved (in my 11/19 email) and this one and I like this one much better. Your language below will allow the tribe to put on one or a few trainings that in total probably won't total more than 6 hours (three 2-hour trainings?) for the construction workers, but then be also able to compensate a tribal monitor for a not insignificant amount of time. Additionally, your language below improves the current version by requiring the Bridgeport and Mono Lake tribes to both approve the selection of the archeologist if one is called in – a much appreciated change.

I think this language is a big improvement. **Charlotte, please let me know if I am missing anything or if you agree.** Here is the language that is currently approved (with the changes after we met with Sandra and the county in red):

MITIGATION CULT 5.4(a). Discovery of Archaeological Resources: Prior to initiation of any earthwork on the project site, a Tribal member shall provide training to the onsite construction crewmembers. The training shall focus on teaching construction workers how to recognize cultural resources that are unearthed during grading. The tribal monitor shall receive reasonable compensation for up to 50 hours of time and travel costs during the training effort, and all construction crewmembers shall be required to attend the training sessions. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources. 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. 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 a qualified archaeologist. Work shall not resume in the defined area until the archaeologist 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 archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Because archaeological resources are likely to also be tribal cultural resources, evaluation and recommendations shall be developed in collaboration with the Kutzedika'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. The tribal monitor shall receive reasonable compensation for time and travel costs. [\[1\]](#)

[1] Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including training, **monitoring** and travel time) not to exceed \$40.

Mary, thank you for your efforts regarding this project and taking the time and initiative to discuss the above with Sandra. We appreciate your care and attention to this important matter.

Happy holidays,

Mike

Michael Godbe

Registered Legal Aid Attorney



California Indian Legal Services

873 N. Main Street, Suite 120

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Fax: 760.873.7461

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From: Mary Farrell [mailto:mollyofarrell@gmail.com]

Sent: Thursday, December 12, 2019 1:20 PM

To: charlotte Lange <char54lange@gmail.com>; Michael Godbe <mgodbe@calindian.org>

Subject: another possible idea for the tioga workforce housing project?

Hello, Charlotte! I hope you are doing well, and that you have been able to keep some of your famous quilts to keep you warm!

Sandra Bauer just called me to say she got a note from Michael Godbe about the Tioga workforce housing project. Sandra says that she, and the county planning department folks, are very grateful to you and Michael for all the work and thought you have put into reviewing this project, and for your well-considered ideas. They plan to use the EIR wording (revised and sent to you in September) that you have reviewed and approved, via Michael's email of November 19.

The reason Sandra called me today is because after she sent you that email or letter in September, I had suggested another option, and she thought maybe I should run it by you and Michael to see what you think. I don't know if it's any better than the "train the construction workers" mitigation measure you have (somewhat reluctantly) approved, but it gives the Tribe more flexibility in using the funding set aside for you. If you like it better, let Sandra or me or the county know by January 15, and they'll use it instead. I know you don't need more work, but it seems pretty cool that the county wants to keep the dialogue going, right? So, with apologies for taking more of your time, here's what I had suggested:

"MITIGATION CULT 5.4(a). Discovery of Cultural 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 cultural 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 will 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 Kutzedika'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 for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

Meanwhile, best wishes for a good winter season!

Mary

Mary M. Farrell
760-644-4284

[\[1\]](#) Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including training, monitoring and travel time) not to exceed \$40.

From: [dennis domaille](#)
To: [Wendy Sugimura](#)
Subject: Fwd: Postponed meeting
Date: Tuesday, January 12, 2021 10:31:24 AM

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This went out last night

Sent from my iPad

Begin forwarded message:

From: dennis domaille <dennisdomaille@yahoo.com>
Date: January 11, 2021 at 6:14:49 PM PST
To: Charlotte Lang <char54lange@gmail.com>
Subject: Postponed meeting

Dear Charlotte, I'm truly sorry for your loss and completely understand your not wanting to risk any further exposure. Perhaps we can arrange a zoom meeting when your grieving lessons. Please contact me at your convenience. Regards,
Dennis

Sent from my iPad

From: [dennis domaille](mailto:dennis.domaille)
To: [Wendy Sugimura](mailto:Wendy.Sugimura)
Subject: Fwd: Possible meeting
Date: Tuesday, April 6, 2021 5:48:16 PM

[EXTERNAL EMAIL]

Sent from my iPad

Begin forwarded message:

From: charlotte Lange <char54lange@gmail.com>
Date: January 11, 2021 at 4:21:09 PM PST
To: dennis domaille <dennisdomaille@yahoo.com>
Cc: Angela Williams <Monolpaiute@gmail.com>, Barbara Coons <bjharley@gmx.com>, Vicki Glazier <member@monolaketribe.us>, Jason Small <jsmall@mono.ca.gov>, Jocelyn Sheltraw <jocelynseltraw@gmail.com>
Subject: Re: Possible meeting

Mr. Domaille,
I have several family members including elders who have succumbed to the covid virus. At this time I am not going to expose anyother members or family to the virus.
This is just not a good time and I am working on another way to meet.
Keep well,
Charlotte Lange

On Fri, Jan 8, 2021, 2:06 PM Michael Godbe <mgodbe@calindian.org> wrote:

[REDACTED]

[REDACTED]

[REDACTED]

Thanks,

Mike

Michael Godbe

Registered Legal Aid Attorney



Pronouns: He / Him / His

873 N. Main St. Suite 120, Bishop, CA 93514

(760) 873-3581

Fax: (760) 873-7461

mgodbe@calindian.org

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From: charlotte Lange <char54lange@gmail.com>

Sent: Friday, January 8, 2021 11:37 AM

To: Michael Godbe <mgodbe@calindian.org>

Subject: Fwd: Possible meeting

Fyi

----- Forwarded message -----

From: dennis domaille <dennisdomaille@yahoo.com>

Date: Fri, Jan 8, 2021, 7:57 AM

Subject: Possible meeting

To: Charlotte Lang <char54lange@gmail.com>

Dear Charlotte, It looks like we have a window of nice weather ahead of us. If you are still willing, I would very much like to meet with you. Please contact me at your convenience and let's see if we can again schedule a meeting.

Very warm regards, Dennis

Sent from my iPad



January 14, 2021 (1pm – 2:25pm) via Zoom

Meeting between Mono Lake Kutzadika’a and Mono County staff

Michael Godbe – California Indian Legal Services

Dorothy Alther – California Indian Legal Services

Charlotte Lange – Tribal Chair

Dean Tonenna – Tribal Member

Stacey Simon – Mono County Counsel

Christy Milovich – Assistant County Counsel

Wendy Sugimura – Mono County Community Development Director

Michael Draper – Mono County Planner

Gerry LeFrancois – Mono County Planner

Agreed-upon tasks for follow-up:

- Develop an AB52 Tribal Consultation Policy/Protocol for future projects
 - Michael Godbe to take the lead
 - Review policies of other agencies/tribes
 - Parties to reconvene to consider proposal/suggestions provided by Michael
- Seek funding for a Mono Basinwide (or larger if needed) tribal cultural resources study to enhance shared understanding and inform future decision making
 - County to investigate possible sources through its channels
 - Tribe to investigate possible sources through its channels
 - Parties reconvene, compare information and discuss
- Tribal members and legal representatives to review points from today’s meetings
 - Reconvene whole group for follow-up discussions and tribal response
- If Tribe confirms interest in requesting voluntary measures from property owner, then schedule meeting with property owner to discuss
 - Unclear at this time who would be involved in such a meeting. Can be determined later.
- Identify cry dance location
 - County to look at Conway Ranch (and share map of proposed grazing lease area)
 - County to reach out to federal agencies (USFS, BLM) to see if any options
 - LADWP?
- Tribe to request policy consideration from Board to prepare subsequent or supplemental EIR
 - Timing not determined, same time as other measures, or only if other measures not successful?

General themes from meeting: Note that Tribe's # 1 corresponds with County's # 1, etc.

Tribal representatives:

1. Concerned with gradual erosion of ancestral lands, project-by-project
2. Describes its good intentions to participate in local land use matters, but explains its limitations in terms of capacity ("volunteer tribe")
3. Feels its concerns were not heard during Tioga Inn Community Housing project process; specifically the archaeological study didn't include adequate information about tribal cultural resources (TCRs)
4. Wants additional analysis of TCRs through a subsequent or supplemental EIR and mitigation of identified impacts under CEQA. Trails through project site which were presented in December should be analyzed and impacts mitigated
5. Requests assistance to secure an alternate cry dance site
6. Would like to develop AB52 Tribal Consultation Policy/Protocol with County
7. Agrees with County staff #7
8. Concerned with the enforceability of any agreed upon mitigation measures with the developer
Can mitigation be folded into the approval of Specific Plan Amendment or permit conditions?

County staff:

1. Understands importance of tribal heritage and culture/lands; explains need for input and evidence in order to legally impose mitigation requirements on a project
2. Appreciates how little time volunteer tribal members have and how thin they are stretched and is willing to meet with and/or talk with the Tribe at any time, including outside of specific projects
3. Feels County incorporated all information and responded to all concerns which were raised during the process. County is constrained by timelines and legal requirements when it considers a project proposed by a private property owner; difficult (or impossible) to pivot at 11th hour if legal rights of property owner are infringed
4. Does not find that a legal requirement exists to open the EIR/prepare a subsequent or supplemental EIR;
5. County willing to assist in search for cry dance location – possibilities include federal lands or County lands
6. Supports development of Consultation Policy/Protocol
7. Suggests tribe and County join forces to seek funding for a broad, basinwide (or larger, if needed) study to identify and document tribal resources. Would assist in protecting those resources when future projects come forward
8. If property owner agrees, then any measure agreed upon can be made a condition of approval/Specific Plan requirement and thus fully enforceable

February 24, 2021

Dear Mono County Board of Supervisors,

I am writing this letter in response to the Tioga Inn Specific Plan Amendment that Charlotte Lange had written the information in this letter that she had provided is false. I will start by saying she is wrong. All the natives have a territory where they are from and their surrounding area in this territory fishing, hunting, gathering, and trails and all resources especially sacred areas belong to us people of the Mono Basin and no other people from out of the area. There are many areas that were heavily used, there is also a few places like Mr. Damaille's that weren't used no resources or heritage nothing up until recent history.

There are no traditional trails or cry dance district on the project site. The cry dance district that they are referring to is my mother's family site and our heritage NOT THE TRIBES! Matter of fact when the tribe had the chance to help save my aunts home and cry dance site they did not help they knew what was going on. Our concerns are for our own people in the Mono Basin not somewhere else in 2018 where was the tribe when my mother's family home and cry dance site was being lost to the SCE. My aunt, uncle, and Mother were born and raised on that property. The family had been there for 88 years my aunt was the last to live there in 2018. The Lee Vining Historical Society tried to help save the property but it didn't work. Charlotte and her board did nothing, now they want the site for their own benefit. There are many reasons why I say our board is dishonest this is just one example. The fact is that no cry dance sites belong to the tribe. Each and every cry dance site belongs to the family of the departed, and individual families, the site belongs to the land holders the tribe was never involved. No tribe, not on tribal land, no Tribal Board or council has ever been in charge, a part of, or ever helped out. Ceremonies are not for all including other natives, there is a designated area for these ceremonies the Rush Creek Cemetery. I will say there are several Mono's have not had a cry dance, this is the responsibility of their family not because lack of where or land it was the lack of respect these people held for their elders and loved ones. Charlotte knows they never had a cry dance for her grandparents, her grandparents link her to our tribe, yet she speaks a good game on how a cry dance works, I never seen her at any cry dances held in the Mono Basin. Having a permanent cry dance site for all members is not our way, we don't mix our spirits, souls or our medicine. There is good and evil in every race. You religious people don't invite the devil to church do you? This is how we feel about our families cry dance sites. The fact is and sad to say if all our cry dance sites were destroyed that could not and will not stop our cultural practices or obligations to our loved one or ourselves.

In regards to the tribal cultural resource monitors they will not be natives from Mono Basin they will be relatives of our board members and be from somewhere else. The average driving time for them will be 21 hours every 7 days. If Charlotte was from Mono Basin she would know all of our small towns quadruple in size during the summer, also back in the 20's – 50's or so there were a lot more people then there is now. So in conclusion of this letter I will say 90% of our Tribal members are outsiders, they weren't born or raised and never lived in Mono Basin and they are all chasing money and recognition and they don't know or respect the Elders with knowledge, they have no honor.

Sincerely,

John Dondero

Our bylaws were adopted in 2003 Charlotte has been in charge ever since, many bylaws have been violated by our boards. Any honest person will not last long on any of our boards. Jerry Andrews a board member he always had a voice at meetings about everything and when it came down to meetings he was on point. September 2015 noticed our uncles personality changed, he got nicer, November and December 2015 he's been acting silly like he had a few cocktails.

2016 January, February, March, and April acting silly still not paying attention at meetings

May 2016 like he hit a wall he spoke very little and when he did speak it had nothing to do with the meetings.

June 2016 comes to the meetings but has no voice

July 2016 comes to meeting no voice, I asked him if he could write his name, he called me Steve my older brother and he said he could. He could not write his name it was scribbles then his girlfriend came over and grabbed the paper and put it in her purse.

August 2016 my uncle was diagnosed passed the mid stages of Alzheimer's

From September 2016 to November 2019 he went to meetings and had no voice. The board finally removed him after making a spectacle of him our board is not only dishonest they are disrespectful and shameful. I know for 2 1/2 years my uncle had no input, no voice could not write his name. Within these two years the board had to sign papers as a whole, I believe his girlfriend forged his name on Federal documentation, she does all his personal paperwork and if it wasn't her then who? I know the board would allow this because they are a tight group.

In 2020 he passed on.

The other so called people in our tribe don't know what's going on because they never show up at meetings.

(Transmitted via email to CDD on March 3, 2021)

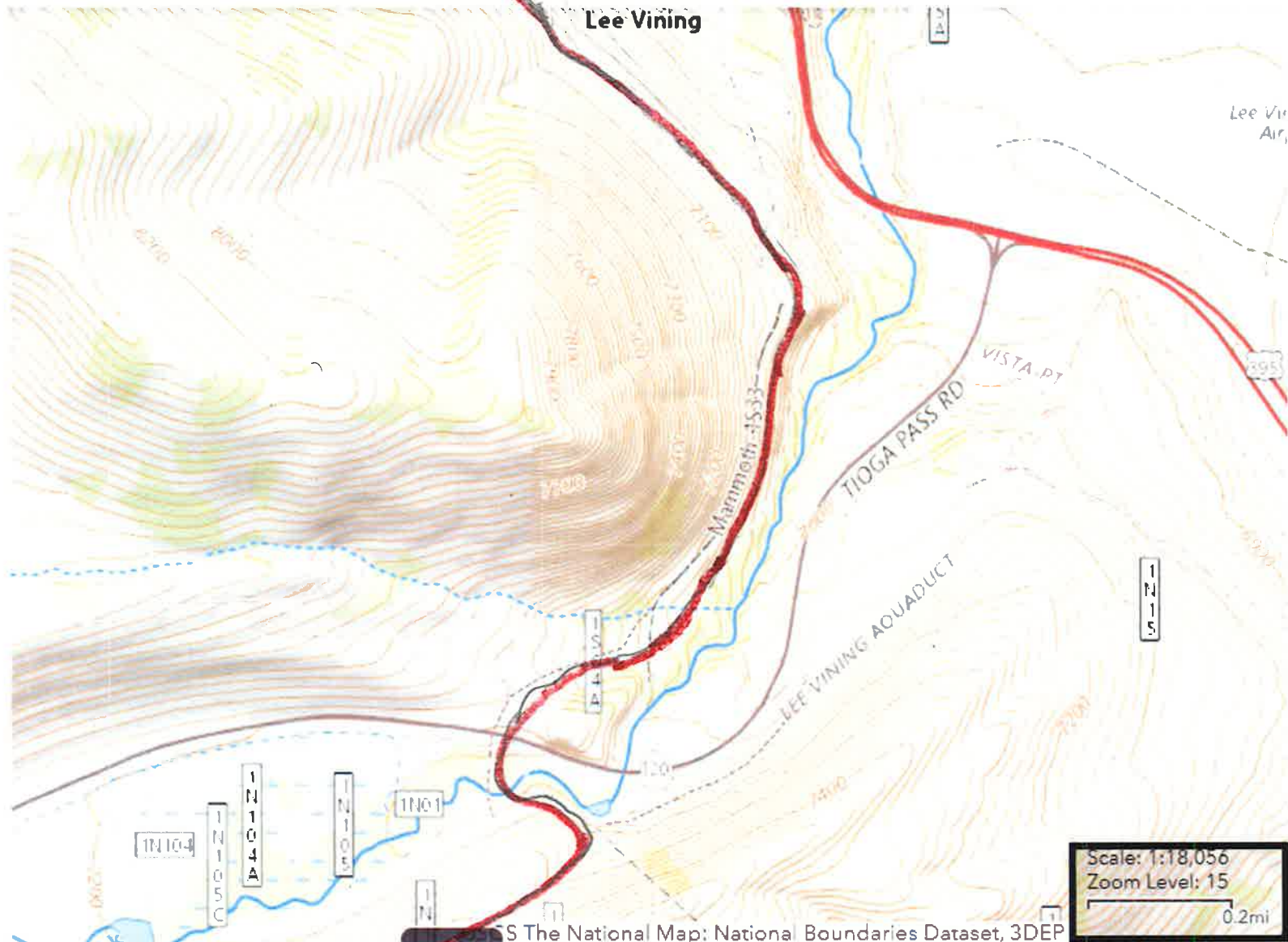
Dear Wendy,

Here is a revised paragraph from the first letter I sent you there is just a few errors. My Aunt, uncles and mother were born and raised on that property. And each and every cry dance fire belongs to the family of the departed, and individual families, the site belongs to the land holders the tribe was never involved.

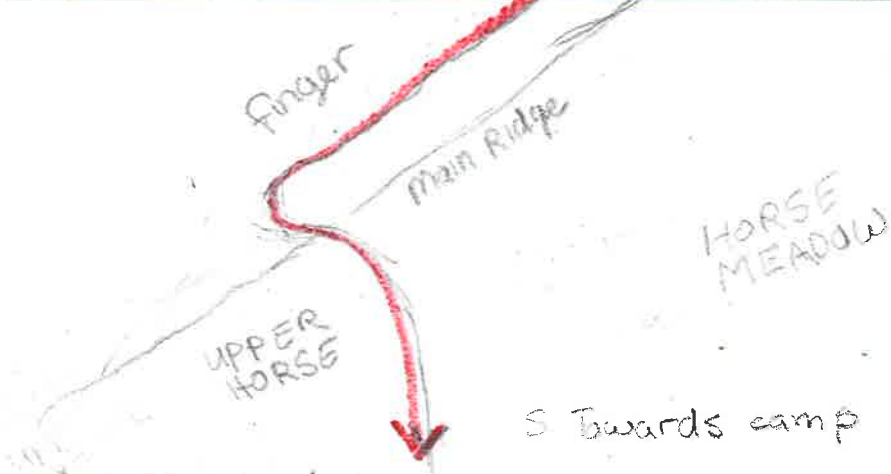
And here is an additional part that I added. Charlotte Lange since the 60's her grandparents, uncles, mother, aunts and cousins. These are all of her ancestor people from the Mono Basin, none of them had a cry dance. The responsibility for the cry dance is the family of the departed, not the tribe. They have always had land to hold a cry dance they just never did, this shows you her and her family had no respect or obligation to their loved ones. It also shows that the cry dance heritage and history is not in her family. Mono Basin cry dance is the heritage of most families of the Mono Basin, some of the families did not believe in the cry dance or it was not a part of their family history. The Lange's and the Sam's families did not hold these ceremonies.

Sincerely,

John Dondero



© The National Map: National Boundaries Dataset, 3DEP
<https://viewer.nationalmap.gov/advanced-viewer/>





March 8, 2021

Via E-Mail

Board of Supervisors of Mono County
c/o Michael Draper, Community
Development Department
PO Box 347
Mammoth Lakes, CA 93546
E-Mail: mdraper@mono.ca.gov
cddcomments@mono.ca.gov

Re: Tioga Inn Specific Plan Amendment #3

Dear Members of the Mono County Board of Supervisors:

The Mono Lake Kutzadika Tribe (“Tribe”) and the Mono Lake Committee (“Committee”) jointly submit this letter to express their continuing concerns about the proposed Tioga Inn Specific Plan Amendment #3 (“Project”). While our concerns are distinct, they all relate to significant inadequacies in the Final Subsequent Environmental Impact Report (“FSEIR”), including missing information, analysis, and mitigation. When the Board certified the FSEIR in October 2020, the Tribe had presented its ongoing concerns with remaining cultural resources that had not been analyzed and properly mitigated. Additionally, since the certification of the FSEIR, the County has received information demonstrating that certain mitigation measures once found infeasible are now feasible. To avoid prolonging the community conflict that has arisen over this Project, the County must undertake supplemental environmental review before taking the matter back up for consideration.

I. The Tribe’s Concerns Regarding Impacts to Cultural Resources Have Not Been Resolved.

Since the last Project hearing, the Tribe has not been able to resolve its concerns over the lack of proper analysis and mitigation measures for cultural resources, including a Cry Dance District and traditional trails that are located in the Project area. Evidence of these specific resources and a discussion of their lack of attention in the FSEIR was submitted to the County by individual tribal members and the Tribe’s legal counsel in a letter dated December 14, 2020. Although the Board’s actions last fall—i.e., to certify the FSEIR but take no action on the Project itself—were taken to encourage the Tribe and the applicant to work together to address the cultural resources not addressed or mitigated in the Archeological Study, the Tribe objected to

working with the applicant and not the County on its concerns as set forth in its December 14th letter. County Counsel has now informed the Tribe that, because the County certified the FSEIR in October, the County cannot conduct any additional CEQA analysis of the cultural resource issues. This has left the Tribe with no option other than negotiating directly with the developer.

Such negotiations cannot satisfy the County’s obligation to consult with the Tribe. *See Quechan Tribe of Fort Yuma Indian Reservation v. U.S. Dept. of Interior* (S.D. Cal. 2010) 755 F.Supp.2d 1104, 1110 (meeting with private applicant does not constitute consultation); Pub. Res. Code § 21080.3.2 (stating that “the *lead agency* shall” consult with a California Native American tribe) (emphasis added); *see also* Cal. Office of Planning and Research, *Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA* (June 2017)¹ (“Consultation concludes when either: (1) the parties”—i.e., the lead agency and the tribe—“agree to measures to mitigate or avoid a significant effect . . . on a tribal cultural resource, or (2) a party, acting in good faith and after a reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code, § 21080.3.2(b)(1) & (2).)”). Discussions with the developer have also proven to be logistically difficult, given the sensitive nature of the discussions, which are more conducive to in-person meetings, the winter weather, and, of course, the pandemic.

Moreover, it is clear the County and applicant could agree to prepare a supplemental EIR on these issues as a means of avoiding future legal disputes. If the applicant is not even willing to allow this additional, targeted review, it seems unlikely he would agree to any concrete measures to protect these resources as a result of independent discussions with the Tribe.

II. New Information Shows that Caltrans Supports Development of a Pedestrian Trail into Town, and Therefore Supplemental Environmental Review Is Required.

Supplemental environmental review is also needed to consider new information from Caltrans indicating that a safe pedestrian trail from the Project site into town is, in fact feasible. Under CEQA, after an EIR has been certified the lead agency must prepare a subsequent or supplemental EIR if new information shows that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt them. CEQA Guidelines § 15162.

Here, the FSEIR concluded that a pedestrian trail would reduce impacts related to pedestrian safety (under the public services and utilities heading), but that it was not feasible because the County did not exercise legal control over Caltrans, Caltrans was (“until recently”) unwilling to cooperate, the trail would lead pedestrians to a SR 120 at-grade crossing, and because of funding uncertainty. Resolution R20-96, A Resolution of the Mono County Board of Supervisors Certifying the Final Subsequent Environmental Impact Report for Tioga Inn Specific Plan Amendment #3, § 2(T) (Oct. 20, 2020). But, on December 8, Caltrans wrote to the

¹ The Technical Advisory is available at <http://nahc.ca.gov/wp-content/uploads/2017/06/Technical-Advisory-AB-52-and-Tribal-Cultural-Resources-in-CEQA.pdf>.

Mono County Local Transportation Commission indicating that Caltrans “*supports* development of a multi-use path project connecting ‘downtown’ Lee Vining with other businesses services and the transit stop along SR 120.”² See Exhibit A (emphasis added). Caltrans further stated: “We are committed to working with the County, community members, and other stakeholders toward the realization of such a project.” *Id.* The only issue is cost: Caltrans has no funding for the trail. *Id.*

This new information plainly demonstrates that the trail is feasible. Caltrans is not only willing to cooperate but supports the project, indicating that it would be an improvement for pedestrian safety. While Caltrans has noted that there must be outside funding for the project, that does not make the project infeasible. In fact, mitigation measures frequently require a project developer to pay fees or otherwise contribute a monetary “fair share” to infrastructure improvements. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188 (“Fee-based mitigation programs . . . have been found to be adequate mitigation measures under CEQA.”); see also *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 102-08 (rejecting arguments that payment of mitigation fees was legally and economically infeasible); *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 241-42 (rejecting agency’s argument that payment of in-lieu fees was infeasible). As a result of this new information indicating that the pedestrian trail is feasible, the County must undertake subsequent or supplemental environmental review. See CEQA Guidelines § 15162 (agency must prepare a subsequent EIR when “[n]ew information of substantial importance . . . shows . . . [m]itigation measures . . . previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.”)³; *Eller Media Co. v. Community Redevelopment Agency* (2003) 108 Cal.App.4th 25, 43-44 (new construction proposed after EIR certification was new information requiring subsequent EIR).

Even if this new information did not trigger subsequent review, the County still can and should reconsider the feasibility of this measure. This is because one of the conditions of the FSEIR certification was that the applicant and the County would conduct a study within 6 months to determine whether the pedestrian trail is feasible. It has already been more than three months since the FSEIR was certified. The County must conduct this study now, taking into consideration Caltrans’ recent correspondence, to ensure that the County can obtain the necessary funding from the applicant—and save County taxpayers from assuming a significant expense that should be borne by the Project—if the Project is ultimately approved.

Conclusion

In short, the Tribe and Committee continue to have serious concerns about this proposed development. Taking the time now to address these concerns could put an end to the

² The December 8 letter was also included in the agenda packet for the December 15, 2020 Board of Supervisors meeting.

³ According to this Guideline, supplemental review could be avoided if the applicant funded the trail. To date, of course, he has not agreed to that measure.

community discord this Project has caused, while, as the Committee has described in previous letters, simultaneously reducing inconsistencies with the Mono Basin Community Plan. We urge the County to conduct additional review of, and adopt additional mitigation measures for, these significant environmental impacts before taking any further action on the Project.

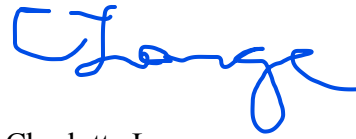
Very truly yours,

MONO LAKE COMMITTEE

MONO LAKE KUTZADIKA TRIBE



Geoffrey McQuilkin
Executive Director



Charlotte Lange
Chairperson

1346731.1

Exhibit A

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0602
FAX (760) 872-0605
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

December 8, 2020

Lynda Salcido, Chair
Mono County Local Transportation Commission (LTC)
PO Box 347
Mammoth Lakes, CA 93546

Multi-Use Path Proposal - Lee Vining to State Route 120

Dear Ms. Salcido:

The California Department of Transportation (Caltrans) District 9 supports the Departmental Safety and Health goal – to provide a safe transportation system for all and promote health through active transportation in communities. District 9 and Mono County continually engage regarding transportation decisions via the LTC, Regional Planning Advisory Committees, the Local Development-Intergovernmental review process, grant opportunities, individual projects, and community outreach efforts.

Caltrans supports development of a multi-use path project connecting “downtown” Lee Vining with other business services and the transit stop along SR 120. We are committed to working with the County, community members, and other stakeholders toward the realization of such a project. To further this effort, we request that the LTC and Mono County conduct public outreach to gather project ideas/support; and amend the Mono County Regional Transportation Plan to document outreach results and LTC support.

Currently, District 9 has no funding for project development of a multi-use path at this location. Caltrans district staff have submitted a proposal to Caltrans headquarters for Complete Streets supplemental funds and will continue to research options for additional funding sources. Any state funds could complement local, regional, and/or private developer funding dedicated for the project. Based on available funds, the Caltrans Lee Vining Road Rehabilitation project (possible construction year 2024/2025) could include a path segment from the wall to Utility Road along US 395's west side.

We value our cooperative working relationship with Mono County regarding multi-modal facilities for the transportation system. For any questions, feel free to contact Dennee Alcala at (760) 784-4236 or Dennee.Alcala@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan A. Dermody".

RYAN A. DERMODY
District 9 Director



CALIFORNIA INDIAN LEGAL SERVICES

Sacramento ♦ Escondido ♦ Eureka ♦ Bishop
INYO-MONO SENIOR LEGAL PROGRAM
EASTERN SIERRA LEGAL ASSISTANCE PROGRAM
Bishop Office: 873 N. Main St., Suite 120, Bishop CA 93514
Telephone: (760) 873-3581 ♦ Toll-free: (800) 736-3582 ♦ Fax: (760) 873-7461

March 24, 2021

VIA ELECTRONIC MAIL

Mono County Board of Supervisors
c/o Clerk of the Board, Shannon Kendall
P.O. Box 715
Bridgeport, CA 93517
Email: skendall@mono.ca.gov

Re. John Dondero Comments

Dear Mono County Board of Supervisors,

It has come to the attention of the Mono Lake Kutzadika'a Paiute Tribe (Tribe) that you received cultural-resource-specific oppositional comments from Mr. John Dondero. The Tribe respects every citizen's right to participate in this political process, but reminds the Supervisors that no individual can take a position on behalf of the Tribe without prior consent. This along with other safe guards prevents appropriation of the Tribe's community and culture.

John Dondero does not have authority to speak for, or on behalf of, the Tribe, which is, and necessarily must be, the authority on matters concerning cultural resources. As such, his comments do not reflect the Tribe's position regarding its cultural resources.

The Tribe declines to comment further on any related position he's taken, except to remind the Supervisors that they are not official Tribal positions on matters of cultural significance. The Tribe refers you back to prior official correspondence for topic-specific comments.

Respectfully,

A handwritten signature in blue ink that reads "Dorothy Alther".

Dorothy Alther
CALIFORNIA INDIAN LEGAL SERVICES
Counsel for the Tribe





CALIFORNIA INDIAN LEGAL SERVICES

Sacramento ♦ Escondido ♦ Eureka ♦ Bishop

INYO-MONO SENIOR LEGAL PROGRAM

EASTERN SIERRA LEGAL ASSISTANCE PROGRAM

Bishop Office: 873 N. Main St., Suite 120, Bishop CA 93514

Telephone: (760) 873-3581 ♦ Toll-free: (800) 736-3582 ♦ Fax: (760) 873-7461

March 30, 2021

VIA ELECTRONIC MAIL

Bob Gardner
Mono County Supervisor, District 3
PO Box 564
June Lake, CA 93541
Email: bgardner@mono.ca.gov

Re. Dennis Domaille Meeting at Tioga Inn Project Site

Dear Supervisor Gardner,

The Mono Lake Kutzadika'a Paiute Tribe (Tribe) appreciates your recent efforts to facilitate a purposeful and safe meeting between Tribal Elders and Tribal Leadership with Dennis Domaille on the site of the Tioga Inn Project.

We write on behalf of the Tribe to confirm its commitment to meet with Dennis Domaille on the Tioga Inn Project site, with the intention of holding the meeting during the first half of May 2021.

As previously discussed, the Tribe believes that for the meeting to be effective, the area should be free or mostly free of snow, and this has not occurred to-date. Additionally, the Tribe believes it is currently unsafe to gather for such a meeting due to the detrimental impacts that COVID-19 has had on the elderly. The Tribe is hopeful that these concerns will be alleviated come May.

Respectfully,

A handwritten signature in blue ink that reads "Dorothy Alther".

Dorothy Alther
CALIFORNIA INDIAN LEGAL SERVICES
Counsel for the Tribe





MONO LAKE COMMITTEE

P.O. Box 29
Hwy 395 and Third Street
Lee Vining, CA 93541
Phone (760) 647-6595
Fax (760) 647-6377

Board of Directors

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Sally Gaines

Martha Davis
Vireo Gaines
David Kanner
Gina Radieva
Tom Soto
Sherryl Taylor
Doug Virtue
Kristine Zeigler

Directors Emeriti

Helen Green
Ed Grosswiler
Richard Lehman

Executive Director

Geoffrey McQuilkin

Southern California Office

1718 Wellesley Ave
Los Angeles, CA
90025-3634

On the Internet

monolake.org
monobasinresearch.org

April 6, 2021

Board of Supervisors
c/o Clerk of the Board
Shannon Kendall
PO Box 715
Bridgeport, CA 93517

Sent via email to: skendall@mono.ca.gov

RE: Tioga Inn supplemental environmental analysis

Dear Honorable Supervisors,

On March 8 the Mono Lake Committee (MLC) and the Mono Lake Kutzadika'a Tribe sent a joint letter to you requesting supplemental environmental analysis of the Tioga Inn project due to the presence of significant new information about tribal cultural resource impacts and the feasibility of pedestrian safety mitigations.

We are awaiting Board discussion of this March 8 request, which is essential to determining the next steps in evaluation of the project. Supervisor Peters, at the December Tioga Inn hearing, observed that the Tioga Inn issue has repeatedly been brought to a public decision-making hearing with unaddressed issues and significant last-minute new information that cannot be resolved during the hearing itself. For this reason, we sent our letter to allow plenty of time for discussion.

MLC writes today to urge you to schedule this topic for a regular meeting as soon as possible. A focused discussion and decision on this topic should take place separately and in advance of a public decision-making hearing on the project. We request adequate time be allowed to the tribe and MLC to present the material discussed in our letter. Though we have not yet received any contact regarding our March 8 letter, we are available for any discussion desired to help with planning such an agenda item.

The Tioga Inn proposal is the single largest development project ever brought to the Board of Supervisors. The project and the public deserve a clear and orderly decision-making process. MLC sees at least three topics that warrant public discussion and resolution prior to any decision-making hearing. They are too complex to resolve within the hearing format, and importantly the outcome on these items will significantly shape what is discussed at a subsequent public hearing.

1. Authorization of supplemental environmental analysis to address significant new information on tribal cultural resources and the feasibility of pedestrian safety mitigations

2. The long pending meeting of the tribe and developer to discuss the project. The covid pandemic has caused understandable delays, yet we understand a meeting in May is possible.
3. Resolution of the concerns raised by the Attorney General's office at the December hearing. These have not yet returned to your Board for further discussion and resolution in a public forum.

MLC heard on Friday from our colleagues at the Kutzadika'a Tribe that the Community Development Department told them of plans to hold a public hearing on April 20. Although we have not been contacted directly about this schedule, we can say that this approach to scheduling will put the Board in the same position as the past, forcing the Board to attempt to review an unfinished proposal with significant unresolved outstanding issues during a decision-making hearing.

Further, proceeding with an April hearing would again sideline the Kutzadika'a Tribe and the promised conversations regarding cultural resources. It is our understanding that the Tribe has significant legitimate concerns about the safety of its elders at meetings during the covid pandemic. Still, they have proposed a meeting with the developer for May. We see no reason to dismiss the tribe's concerns, especially in light of the devastating impact of covid on Native American populations in California and across the country. To move things forward we suggest that the Community Development Department engage over the coming weeks to play a helpful role in scheduling an agreeable safe date, developing an agenda, and facilitating the meeting and post-meeting follow up actions.

Thank you for your consideration, we look forward to discussing our letter with you at an upcoming Board meeting.

Sincerely,



Geoffrey McQuilkin
Executive Director



Bartshé Miller
Eastern Sierra Policy Director

Attachments: March 8, 2021 letter from the Kutzadika'a Tribe and Mono Lake Committee



March 8, 2021

Via E-Mail

Board of Supervisors of Mono County
c/o Michael Draper, Community
Development Department
PO Box 347
Mammoth Lakes, CA 93546
E-Mail: mdraper@mono.ca.gov
cddcomments@mono.ca.gov

Re: Tioga Inn Specific Plan Amendment #3

Dear Members of the Mono County Board of Supervisors:

The Mono Lake Kutzadika Tribe (“Tribe”) and the Mono Lake Committee (“Committee”) jointly submit this letter to express their continuing concerns about the proposed Tioga Inn Specific Plan Amendment #3 (“Project”). While our concerns are distinct, they all relate to significant inadequacies in the Final Subsequent Environmental Impact Report (“FSEIR”), including missing information, analysis, and mitigation. When the Board certified the FSEIR in October 2020, the Tribe had presented its ongoing concerns with remaining cultural resources that had not been analyzed and properly mitigated. Additionally, since the certification of the FSEIR, the County has received information demonstrating that certain mitigation measures once found infeasible are now feasible. To avoid prolonging the community conflict that has arisen over this Project, the County must undertake supplemental environmental review before taking the matter back up for consideration.

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Moreover, it is clear the County and applicant could agree to prepare a supplemental EIR on these issues as a means of avoiding future legal disputes. If the applicant is not even willing to allow this additional, targeted review, it seems unlikely he would agree to any concrete measures to protect these resources as a result of independent discussions with the Tribe.

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In short, the Tribe and Committee continue to have serious concerns about this proposed development. Taking the time now to address these concerns could put an end to the

² The December 8 letter was also included in the agenda packet for the December 15, 2020 Board of Supervisors meeting.

³ According to this Guideline, supplemental review could be avoided if the applicant funded the trail. To date, of course, he has not agreed to that measure.

community discord this Project has caused, while, as the Committee has described in previous letters, simultaneously reducing inconsistencies with the Mono Basin Community Plan. We urge the County to conduct additional review of, and adopt additional mitigation measures for, these significant environmental impacts before taking any further action on the Project.

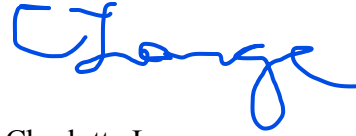
Very truly yours,

MONO LAKE COMMITTEE

MONO LAKE KUTZADIKA TRIBE



Geoffrey McQuilkin
Executive Director



Charlotte Lange
Chairperson

1346731.1

Exhibit A

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0602
FAX (760) 872-0605
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

December 8, 2020

Lynda Salcido, Chair
Mono County Local Transportation Commission (LTC)
PO Box 347
Mammoth Lakes, CA 93546

Multi-Use Path Proposal - Lee Vining to State Route 120

Dear Ms. Salcido:

The California Department of Transportation (Caltrans) District 9 supports the Departmental Safety and Health goal – to provide a safe transportation system for all and promote health through active transportation in communities. District 9 and Mono County continually engage regarding transportation decisions via the LTC, Regional Planning Advisory Committees, the Local Development-Intergovernmental review process, grant opportunities, individual projects, and community outreach efforts.

Caltrans supports development of a multi-use path project connecting “downtown” Lee Vining with other business services and the transit stop along SR 120. We are committed to working with the County, community members, and other stakeholders toward the realization of such a project. To further this effort, we request that the LTC and Mono County conduct public outreach to gather project ideas/support; and amend the Mono County Regional Transportation Plan to document outreach results and LTC support.

Currently, District 9 has no funding for project development of a multi-use path at this location. Caltrans district staff have submitted a proposal to Caltrans headquarters for Complete Streets supplemental funds and will continue to research options for additional funding sources. Any state funds could complement local, regional, and/or private developer funding dedicated for the project. Based on available funds, the Caltrans Lee Vining Road Rehabilitation project (possible construction year 2024/2025) could include a path segment from the wall to Utility Road along US 395's west side.

We value our cooperative working relationship with Mono County regarding multi-modal facilities for the transportation system. For any questions, feel free to contact Dennee Alcala at (760) 784-4236 or Dennee.Alcala@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan A. Dermody".

RYAN A. DERMODY
District 9 Director

Michael Draper

From: Queenie Barnard
Sent: Wednesday, December 16, 2020 7:16 AM
To: CDD Comments
Subject: Fw: [URGENT] Tioga Inn Project

Follow Up Flag: Follow up
Flag Status: Flagged

Queenie Barnard
Senior Deputy Clerk – Elections Assistant
P.O. Box 237
Bridgeport, CA 93517
(760) 932-5534 (office)
(760) 932-5531 (fax)

From: Shannon Kendall <skendall@mono.ca.gov>
Sent: Wednesday, December 16, 2020 7:07 AM
To: Queenie Barnard <qbarnard@mono.ca.gov>
Subject: FW: [URGENT] 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

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, <https://monocounty.ca.gov/clerk>
Elections: 760-932-5537, elections@mono.ca.gov, <https://monocounty.ca.gov/elections>
Clerk of the Board: 760-932-5538, sdedman@mono.ca.gov, <https://monocounty.ca.gov/bos>

From: Sera Smith <sera.smith@berkeley.edu>
Sent: Tuesday, December 15, 2020 9:43 PM
To: Shannon Kendall <skendall@mono.ca.gov>
Subject: [URGENT] 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,

I am very concerned about the recent developments in the Tioga Inn Project. Adequate consultation from the Mono Lake Kutzadika tribe was not taken as required by AB 52 and SB 18. The impact to tribal heritage has not been properly considered, and this threatens both the environment (which this area depends on for tourism) as well as the people whose ancestral homelands are here. I oppose the methods used- especially how consideration was not taken to protect the health of tribal members that could not safely attend meetings. The process has not been transparent, and an egregious lack of communication is obvious in the way meetings were not changed to virtual during an uptick in COVID-19 cases. Please understand that without legitimate consideration of tribal partners, a determination of impact has not been made.

Signed,
Sera Smith

Mono County Community Development Department Planning Division

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

P0 Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing at **1:00 p.m.** on **April 20, 2021**, with remote videoconferencing at <https://zoom.us/join> or by phone at (669) 900-6833, and then enter Meeting ID 991 7201 4747, to consider the following: **TIOGA INN SPECIFIC PLAN AMENDMENT #3**. The Tioga Inn Specific Plan is located on four parcels (APN 021-080-014, -025, -026 & -027) at 22, 133, and 254 Vista Point Road and the 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. Comments previously submitted remain a part of the record for consideration. The Final Subsequent Environmental Impact Report (EIR) to the 1993 EIR for the Tioga Inn Specific Plan was certified for this project, with Alternative 7 – Hybrid Site Plan as the preferred alternative, on October 20, 2020, by the Board of Supervisors. 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.

INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing cddcomments@mono.ca.gov or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. To ensure timely receipt and provide decision makers with time to review comments, **written comments should be received by 8:00 a.m. on April 19** and will not be accepted after 1:00 p.m. on April 20. Written comments will not be read into the record but will be transmitted to the Board prior to deliberation. Please note that 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 at, or prior to, the public hearing, including at a previous public hearing.

Project Location



Mono County Community Development

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

Date: March 29, 2021
To: The Sheet
From: Wendy Sugimura, Mono County Community Development
Re: Legal Notice for the **April 3** issue
Billing: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing at **1:00 p.m.** on **April 20, 2021**, with remote videoconferencing at <https://zoom.us/join> or by phone at (669) 900-6833, and then enter Meeting ID 991 7201 4747, to consider the following: **TIOGA INN SPECIFIC PLAN AMENDMENT #3**. The Tioga Inn Specific Plan is located on four parcels (APN 021-080-014, -025, -026 & -027) at 22, 133, and 254 Vista Point Road and the 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. Comments previously submitted remain a part of the record for consideration. The Final Subsequent Environmental Impact Report (EIR) to the 1993 EIR for the Tioga Inn Specific Plan was certified for this project, with Alternative 7 – Hybrid Site Plan as the preferred alternative, on October 20, 2020, by the Board of Supervisors. 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. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing cddcomments@mono.ca.gov or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. To ensure timely receipt and provide decision makers with time to review comments, **written comments should be received by 8:00 a.m. on April 19** and will not be accepted after 1:00 p.m. on April 20. Written comments will not be read into the record but will be transmitted to the Board prior to deliberation. Please note that 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 at, or prior to, the public hearing, including at a previous public hearing.

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