

VI. RESPONSE TO COMMENTS

PUBLIC REVIEW

The Draft Environmental Impact Report (DEIR) and General Plan Update were circulated for both agency and public review; the review period lasted 90 days. Notices announcing the availability of the documents were placed in the local newspapers. Local and Federal agencies and organizations were provided documents, as were individuals or organizations requesting copies; the State Clearinghouse distributed documents to State agencies. Copies were available for review or purchase (at the cost of reproduction) at the Planning Department offices in Bridgeport and Mammoth Lakes. Copies were also available for review at all the branches of the county library system, at local forest service offices, and at local fire stations. In addition, each regional and community planning advisory committee had copies available for review.

RESPONSE TO COMMENTS

Section 15088 of the CEQA Guidelines requires the lead agency to evaluate comments on environmental issues received from persons reviewing the Draft EIR. The lead agency is required to identify individual comments and to respond to specific comments and suggestions. Responses to comments may modify the analysis in the Draft EIR, address new alternatives, correct factual information, or explain why no response is warranted.

Comments were received from the following entities:

Federal Agencies

Inyo National Forest, Bishop Office.
Toiyabe National Forest, Bridgeport Ranger District.

State and Local Agencies

California Department of Fish and Game, Region 5 Office, Long Beach.
California Department of Parks and Recreation, Sacramento.
California Department of Transportation, Bishop.
California EPA, Integrated Waste Management Board, Sacramento.
California State Lands Commission, Sacramento.
City of Los Angeles, Department of Water and Power, Bishop.
Great Basin Unified Air Pollution Control District, Bishop.

Individuals

Wales G., MaBelle V., and William W. Bramlette, Benton.
Georgia Fulstone, Swauger and Bridgeport.
Richard and Susan Hill, Benton.
Jan K. and D.E. Huggans (2 letters), Bridgeport.
Jan K., David E., and David G. Huggans, Bridgeport.
Bob and Lee Naylor, Wheeler Crest/Swall Meadows.

Marshelle Wells, Crowley Lake/Hilton Creek.

Other Entities

California State Park Rangers Association, Sacramento.

The Mono Lake Committee, Lee Vining.

Sierra Club, California/Nevada RCC Mining Committee, Independence.

Southern California Edison, Mammoth Lakes.

Vulcan Power Company, Petaluma.

Comments discussed a variety of issues. Some addressed specific land use designations in the General Plan. Others provided additional information or clarified existing information in the General Plan or EIR. The content of the letters has been duplicated in this section. Comments are identified and responses to those comments follow in ***bold and italicized print.***

VI. RESPONSE TO COMMENTS

United States	Forest	Inyo	873 N. Main St
Department of Service	National	Bishop, CA	93514
Agriculture		Forest	(619) 873-2400

Reply to: 1950

Date: November 13, 1992

Mono County Planning Department
Attn: Scott Burns
HCR 79 Box 221
Mammoth Lakes, CA 93546

Dear Mr. Burns:

Thank you for the opportunity to review and comment on the Draft Mono County EIR, MEA and General Plan. Thank you also for the two week extension, which allowed us to more thoroughly review the documents. For the most part, you have done a very thorough job of tackling a major update for the County General Plan.

The following comments are on the Master Environmental Assessment, and are mainly points of clarification and corrections of factual information.

1. Page 14, 1st paragraph, Air Resources Board: In addition to the Hoover Wilderness, those Mono County portions of the John Muir and Ansel Adams Wilderness Areas designated by Congress in 1964 are also Class I air quality areas.

The text has been amended as suggested.

2. Page 22, Land Ownership Patterns: The County has no greater environmental authority over National Forest Lands than any other interested party pertaining to comments about mineral development. The agreement between the State of California, Mines and Geology and the Forest Service, Region 5 does not afford the State or the County any authority over National Forest lands. The Inyo Forest will continue to inform potential mining operators of the existence of SMARA and that the County is the State lead agency for SMARA and CEQA.

Comment noted.

3. Page 26, 3rd paragraph, Mono Basin: Should read "Development of private lands within the MBNFSA is governed by the Private Land Development Guidelines which are a part of the Comp. Mng. Plan.

The text has been amended as suggested.

4. Page 29, 4th paragraph, Timber: Land should not be referred to as being "owned by the U.S. Forest Service". More appropriately it should be referred to as National Forest (System) land or Land managed by the Forest Service.

The text has been amended as suggested.

5. Page 76, County Streets and Roads: The figure of 686 miles of Forest Service roads needs to be checked. Unless there are a large number of miles within the Toiyabe National Forest, there are considerably less miles under agreement or permit with the National Forest System. The County should only be indicating those roads where formal agreements exist. If this is not the case, please clarify the status of the Forest Service mileage that is reported.

This figure is being checked and will be amended when additional information becomes available.

6. Page 77, Mileage of Maintained Public Roads: If the previous comment is correct, then there should be additional miles reported under the Forest Service and fewer shown as County road miles.

See response to previous comment.

7. Page 82, Non-motorized Facilities: The bike path from Highway 203 to Shady Rest Park needs to be added.

The text has been amended as suggested.

8. Page 89, 1st paragraph, Overview: Should add to this paragraph that Lee Vining Canyon was designated as a National Scenic Byway by the Chief of the Forest Service in 1990, and Forest Road 4S01 to Patriarch Grove was designated in 1992.

The text has been amended as suggested.

9. Page 89, 4th paragraph, Overview: The Scenic Area was designated in 1984.

The text has been corrected as suggested.

10. Page 90, Scenic Highways in Mono County: c. Should note that this stretch of road has already been designated as a National Scenic Byway.

The text has been amended as suggested.

11. Page 100, 1st paragraph, Federal Scenic Byway Designations: State Highway 120, from its junction with U.S. Highway 395 to the Yosemite National Park boundary and Forest Road 4S01 from the Inyo County line to the Patriarch Grove of ancient bristlecone pine have both been classified as National Scenic Byways.

The text has been amended as suggested.

12. Page 105, Park and Recreation Facilities: Mono Lake Park should read that Restrooms are seasonal and that the Information Center is really an Information Kiosk.

The text has been corrected as suggested.

13. Page 109, 1st paragraph, Recreation Programs: Should add that the Mono Lake Foundation also sponsors educational programs and canoe tours on Mono Lake.

The text has been amended as suggested.

14. Page 110, 2nd paragraph, Recreation Programs: In the last several years the Lee Vining Chamber of Commerce had become quite active. The Mono Lake Committee Information Center also serves as the information center for the Chamber of Commerce.

The text has been amended as suggested.

15. Page 115, Table 33: Acreage for Mono Lake should read approximately 41, 600 acres.

The text has been amended as suggested.

16. Page 116, Table 33: Panum Crater should include Guided Activities under Activities.

The text has been amended as suggested.

17. Page 118, Table 33: Hot Creek Swimming Area needs to be renamed Hot Creek Geologic Interpretive Area and likewise any reference to swimming should be removed from the text. The primary activity would be viewing unusual geologic features and geothermal activity.

The text has been amended as suggested.

18. Page 120, Table 33: Map number items 99 through 107 are facilities in Madera, not Mono County. These facilities should either be removed, or indicate that they are locate within Madera County.

The table and maps have been amended to indicate that these facilities are within Madera County but accessed primarily from Mono County.

19. Page 138, 4th paragraph, Existing Air Quality: The exposed lakebed of Mono Lake should be added to the list of contributing factors.

The text has been amended as suggested.

20. Page 139, 4th paragraph, Mono Lake: This section should be updated to include post-1988 developments in the Mono Basin regarding air quality. Much has happened of significance since that time.

This section has been updated and will be updated further as additional information becomes available.

21. Page 143, Table 37: Should read Mono Lake - Simis Residence.

The text has been corrected as suggested.

22. Page 149, General Mining Resource Assessment: The BLM is not the lead agency for mining operations on National Forest System Lands.

The text has been amended to reflect the above concern.

23. Page 161, Table 39: Mono Lake - The California Gull is classified by the State as a Species of Special Concern. Fishing should be removed as a recreational activity at Mono Lake. Boating should be added.

The text has been amended as suggested.

24. Page 162, Table 39: Lee Vining Creek - Should be shown as " under study for Wild and Scenic designation."

The text has been amended as suggested.

25. Page 166, Table 39: Hot Creek Hatchery Spring A,B - Should list under the special status species column the Owens tui chub. Hot Creek Hatchery Springs C,D should also be labelled and information provided as it is for A and B. Hot Creek Gorge Spring - any reference to swimming needs to be removed from the document.

The text has been amended as suggested.

26. Page 175, 5th paragraph, Mono Basin: Lee Vining Creek should be added to the list of creeks that have been rewatered due to recent court decisions.

The text has been amended as suggested.

27. Page 176, Mono Basin: This section needs to be updated in regards to the most recent developments in the Mono Lake situation. Much has happened since the release of the National Academy of Sciences report in 1987. There should be some mention of the CORI (Community and Organization Resource Institute) report which was released in 1988, funded by the State. There should be mention of our EIS and Comprehensive Management Plan for the Scenic Area, released in 1990, which included a preferred lake level range of 6377 to 6390 feet elevation. This preferred lake level called for everyday management around the mid-point of the range, and built in the buffer concept as recommended in the CORI report. The buffer is necessary for the protection of Mono Lake during fluctuating climatic conditions. The MEA should also mention the EIR currently being prepared by the State Water Resources Control Board, which will guide the Board in determining a lake level for Mono Lake which protects the lake's public trust values. The Board will also set minimum flows for Mono Lake's tributary streams, to protect the re-established fisheries. The Draft EIR is due to be released next spring. Water Board hearings on DWP's water licenses will take place next spring or summer. Your discussion of diversion rates up to 100,000 acre-feet annually is no longer relevant.

The text has been amended as suggested.

28. Page 207, Figure 22, Hot Creek Buffer Zone: The County has no authority to designate a "buffer zone" on national Forest System lands. The Lease blocks that are covered within this so called Buffer Zone were let with environmental provisions provided at the time of lease and additional conditions can not be added without the agreement of the Federal Government and the lease block holder.

The boundaries of the Hot Creek Buffer Zone have been amended to exclude federal lands.

29. Page 241, Table 50: *Larus californicus* has been designated by the State as a Species of Special Concern. The current status of the Mono Lake Brine Shrimp is C1. ***Table 50 has been amended as suggested.***

30. Page 268, Table 54: The Mono Lake Brine Fly is now more appropriately being called Alkali Fly.

Table 54 has been amended as suggested.

31. Page 279, 2nd paragraph, Wildlife Use Areas: Information should be included on Mono Lake's designation as an International Reserve in the Western Hemisphere Shorebird Reserve Network, which occurred in 1991. This designation was primarily for the role that Mono Lake plays in the annual migration of the Wilson's Phalarope.

The text has been amended to include the above information.

32. Page 262, Table 57: Please add the Mono Basin National Forest Scenic Area along with the Mono Lake Tufa State Reserve. This 118,300 acres is managed by the Forest Service.

Table 57 has been amended as suggested.

33. Page 331, References: The Forest Service 1990 Scenic Area CMP and EIS (not EIR).

The reference to the 1990 Scenic Area CMP and EIS has been corrected.

The comments that follow are on the General Plan.

1. Page II-1, 1st paragraph, Scope and Role of the Land Use Element: It needs to be spelled out in the first paragraph that the goals, issues, policies, opportunities, and constraints that are being developed are for the private land base in the unincorporated areas. The document plainly states in some places that "on private lands...", in other areas discusses that "recommendations will be made to the administrating agency..." and then in other locations states that "the policy will be..." at times where the County has no authority for making such policies. Even though this is dealt with in another part of the document, we believe it would help to avoid confusion by clarifying this up front.

Paragraph I on page II-1 has been amended to state that the policies in the general plan have been developed for the private lands in the unincorporated portion of the county.

2. Page II-7, 1st paragraph, Countywide Issues/Opportunities/Constraints: The reference to the County being the lead agency for compliance with SMARA could be confusing, and may need further explanation, since it is not recognized that the County has any additional environmental authority over National Forest System lands.

Comment noted.

3. Page II-29, 1st paragraph, Introduction: The policies suggested in this element are to be applied to private land use countywide and not to all land use countywide. This is an important item to detail up front in this section since the reader could become confused as to the generic nature of many of the action items that follow:

The first paragraph on p. II-29 has been amended to state that the following policies apply only to private lands in the unincorporated area.

4. Page II - 65, Objective B, Action 2.2: This action item should be reworded to indicate that a recommendation or suggestion will be made to allow only resource extraction uses.

This action item has been amended to allow only resource extraction uses on the existing quarry on private land within the planning area and to recommend the same policy for other existing quarries in the planning area.

5. Page II-66, Objective B, Action 5.2: We are concerned about the establishment of a Hot Creek Buffer Zone, specifically since it includes National Forest System lands. The best that this statement could hope to read is something similar to 1.6 (D), Federal Jurisdiction, in the Settlement Agreement and Mutual Release between the County, Fish and Game, and Pacific Energy. The wording would then read the proposed Hot Creek Buffer Zone shall apply provided that federal authority over lands and operations in federal jurisdictions shall prevail in the event federal authorities object to the restrictions provided in the zone.

See the response to Item 28 in the comments on the MEA.

6. Page II - 71, Objective B, Action 1.2 and 1.3: It is unclear whether Mono County currently considers the proposed Dry Creek Wellfield an adverse impact. There is no problem with the use of the phrase "clearly no significant adverse effects" as long as the definition at the bottom of page ii of the DEIR is used to define significant..." a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project..." No decision has been made on this proposal, however preliminary analysis has revealed that there should be no significant impacts to the Upper Owens River Watershed.

Comment noted.

7. Page II- 71, Objective B, Action 1.6: Due to the current water intensive practices that are occurring in the area, monitoring programs should be initiated now. As other projects come along, even though the costs and the scope of the monitoring would increase, the cost would be spread between all of the users.

Comment noted.

8. Page II - 108, II-114 and II-115, Airport Land Use Plans: There is no rationale provided as to why there are different noise levels provided for the Mammoth/June Airport when compared to the Bridgeport/Lee Vining Airports.

Comment noted.

9. Page III-25, Objective B, Action 5.2: The construction of an avalanche snow shed on Highway 158 is no longer the option of choice to resolve this hazardous situation. Talk with CalTrans on their latest plans to release the snow, when an avalanche hazard is identified.

Action 5.2 has been amended to reflect Caltrans' current plans for avalanche control on Hwy. 158.

10. Page V-7, Energy Resources, Item 1: This statement should reflect that the County will work with the Forest Service to ensure the generation of environmentally sound

alternatives. It does need to be made clear that the decision to authorize a plan of operations and the reclamation lies with the Forest Service.

It has been made clear elsewhere in the document that the general plan policies apply to private lands in the unincorporated area and that the county will work with all applicable agencies in implementing general plan policies.

11. Page V-9, Visual Resources, Item 3: Should read State Route 120 West, Lee Vining Canyon , and Forest Road 4S01 to the Patriarch Grove of ancient bristlecone pine have both been designated as National Scenic Byways.

Item 3 has been amended as suggested.

12. Page V-26, Objective E, Policy 1: For clarity the narrative should specify "private land" when discussing "transfers in the unincorporated area of the County...".

Policy 1 has been amended to clarify that the policy is addressing private lands.

13. Page V - 28, Objective F, Policy 1: This policy should specify a "water" management plan, and not just a management plan, this could be confusing. When addressing lake level please add, "support a minimum lake level for Mono Lake of 6377 feet." Mono County has previously supported this position. Also add support for a buffered range of water levels, to build in protection for Mono Lake during climatic fluctuations. We would like to see the County adopt the Forest Service preferred range of 6377 to 6390 feet elevation for Mono Lake, as we feel this affords best protection to the Mono Basin resources.

Policy 1 has been amended as suggested.

14. Page V - 28, Objective G, Policy 1: This policy should also allow for flushing flows as needed.

Policy 1 has been amended as suggested.

15. Page V- 37 through V- 41, Objectives A through C: This section needs to state that the recommendations suggested apply only to private lands within the County. Please utilize the comments of the Mineral Resources Technical Advisory Committee into consideration when developing this section.

The comments of the Mineral Resources Technical Advisory Committee were utilized in developing this section. Subsequently, the county developed a Draft Resource Extraction zoning district and a Draft Reclamation Ordinance. Many of the recommendations made by the MRTAC are included in those documents instead of in the General Plan Mineral Resource policy section. Drafts of these documents have been included in the final General Plan as Appendix A of the Conservation/Open Space Element. The comment on private lands is noted.

16. Page V - 44, Objective B, Action 1.2: See comment under page II-66.

See response to Item 28 in the comments on the MEA.

17. Page V - 81, Objective A, Action 5.1: Add support for a minimum lake level of 6377 feet elevation, with a buffer added for climatic fluctuations.

Action 5.1 has been amended as suggested.

18. Page VI - 21, Objective D, Action 1.1: Item 1 - The Inyo National Forest avalanche forecasting program for backcountry users is currently unfunded. The Mammoth District provided the service while it had available personnel, which it has not for the past four years. Previous to that the forecasting program was intended to provide reliable information to protect lives, not facilities. Item 2 - Structural mitigations do not provide absolute protection. There is no precedent for the Forest Service to provide them. Communities should be expected to be responsible to avoid placing structures in avalanche paths. Some structures are authorized under special use permits to state highway departments, but the highway departments erect them at their own expense to protect state facilities (roads) which cannot avoid all avalanche hazards. Item 3 - The Forest Service acquires properties by exchange where ownership by the federal government would be in the public interest. Examples are parcels within wilderness boundaries, riparian areas and critical wildlife habitat within Forest boundaries. The acquisition of parcels within avalanche paths may not be deemed to be in the best interest of the general public.

Comments noted. It should be noted that Action 1.1 is currently an adopted county policy.

Again thank you for the opportunity to comment on these documents. We also appreciate all the effort that went into the involvement of the Regional Planning Advisory Committees. We see much of the work of the Mono Basin group reflected in this document. If you have questions regarding our comments please direct them to John Schulyer, Forest Planner, or Nancy Upham, Public Affairs Officer. They both can be reached at 873-2400.

Sincerely,

Dennis W. Martin
Forest Supervisor

VI. RESPONSE TO COMMENTS

United States Department of Agriculture	Forest Service	Toiyabe National Forest P.O. Box 595 Bridgeport Ranger District	Bridgeport, Ca. 93517 (619) 932-7070
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Reply to: 1500

Date: November 10, 1992

Mr. Scott Burns
Planning Director
Mono County Planning Department
P.O. Box 8
Bridgeport, CA 93517

Dear Scott:

The Bridgeport Ranger District, Toiyabe National Forest, has reviewed the Draft Mono County Master Environmental Assessment and General Plan (May 1992). I would like to commend you on the draft plan's sensitivity to county-wide environmental concerns as well as the overall quality of the document's discussion relative to public lands.

Based on our review of the Draft, we offer the following comments for your consideration:

Master Environmental Assessment

Planning and Socioeconomics, page 17

The Carson Front Management Area of the Toiyabe National Forest LRMP does not include Mono County.

The Carson Front Management Area was deleted from the section on the Toiyabe National Forest in Mono County.

Mono County General Plan

Bridgeport Valley, page II-11

There is a need to expand PUD services to accommodate the local and recreational demands of the surrounding area (particularly sewage disposal).

The Bridgeport Valley issues section of the Land Use Element was amended to reflect this concern.

Action 3.1, Policy 4, page II-50

This timber management policy could only apply to private lands in the area. Timber management on National Forest lands would be guided by specific direction in the Toiyabe National Forest LRMP.

The phrase "on private lands" was added to the Action.

Actions 3.2 and 3.3, page II-52

These policies could only apply to private lands. Current vehicular travel restrictions on National Forest lands are outlined in a Vehicle Travel Map available from the Bridgeport Ranger District.

The phrase "on private lands" was added to the Action.

Action 1.1, Policy 3, page II-55

The exchange of some BLM lands east of Highway 182 for future community expansion could be beneficial by reducing the need for community expansion in the Bridgeport Valley meadow area.

Comment noted.

Action 1.1, Policy 3, page II-56

The issue of "Scenic Byways" needs to be clarified. Does the County propose to support the designation of Highway 395 as a National Forest Scenic Byway, State Scenic Highway, or other designation? Currently, CURES (Coalition for Unified Recreation in the Eastern Sierra) is pursuing the nomination and designation of Highway 395 as a National Forest Scenic Byway. The support of the County and local communities in this effort would be welcomed.

The phrase "National Forest Scenic Byway" was added to the Action.

County Wide Land Use Maps, Devil's Gate to Swauger Creek

We recommend designating the undeveloped private lands south of Highway 395 in the Wheeler Bench area as "Open Space". This designation would be consistent with direction in the Toiyabe National Forest LRMP regarding the Long Valley-Sawmill Nonmotorized Management Unit Area.

Generally, we have not designated private lands outside of community areas as Open Space, but as Resource Management. The Resource Management land use designation emphasizes resource protection while allowing for very limited, low intensity development.

Bridgeport Community Map, figure 8

This map should identify the appropriate zoning for the existing Forest Service warehouse.

The map has been amended to identify the land use designation for the Forest Service warehouse as PF, Public Facilities. Corresponding zoning will be assigned once the General Plan is adopted.

Swauger Creek/Devil's Gate, page III-9

There is also an existing public easement through private lands on the Beaver Pond Road accessing National Forest lands west of the Lobdell-Swauger Road. If the opportunity arises, additional right-of-ways should be acquired across private property so that the public can use and enjoy their National Forest.

The Swauger Creek/Devil's Gate issues section of the Circulation Element has been amended to reflect this concern.

Objective A, Action 4.2, page III-23

When the County approves new subdivisions within the National Forest boundary, the County should consider designating the primary access route as a County Road. This would insure proper road maintenance and provide future public access to the National Forest through private lands.

Comment noted.

Objective B, page III-33

A new policy is recommended which calls for County action in prescriptive right-of-way cases where established long-term public access to the National Forest through private property has been recently blocked by landowners.

Comment noted. The recommended policy will be presented for consideration at the Planning Commission and Board of Supervisor public hearings on the adoption of the General Plan Update.

Action 2.2, page III-23

National Forest Scenic Byway is the correct term. Highways 108 and 89 should also be considered as potential National Forest Scenic Byways.

The Action has been amended to reflect these concerns.

Policy 2, page III-40, and Mono County Trail System Map, Bridgeport Valley

The proposed trail should be routed around the current administrative site (old Ranger Station) to avoid potential conflicts with current residential and administrative site uses. Where the trail crosses National Forest lands, trail uses should be designated which are compatible with current National Forest management direction.

Comment noted.

Mono County Trail System matrix

What does "CC" refer to under trail type?

The matrix has been amended to identify "CC" as cross-country skiing.

Objective B, Policy 6, page V-64

Correct term is "National Forest Scenic Byway".

In this case, "National Scenic Byway" is used to refer to the overall federal program which applies to National Forest lands as well as to lands managed by the BLM.

Objective B, page VI-15

Any building construction proposed within or adjacent to wildland areas on State Responsibility Areas should be required to meet State of California Fire Safe Regulations. This includes requiring road standards for fire equipment, minimum private water supply for emergency fire use, fuelbreaks and greenbelts, and roofing materials meeting Class A standards.

The State Fire Safe Regulations are addressed in Policy 2 and the associated action items under Objective B. The County's Fire Safe Ordinance implements the state fire safe regulations.

Objective D, Action 1.1, Item 2, page VI-21

Structurally mitigating avalanche hazards is the least desired and least effective method of avalanche control, therefore we recommend that this statement be deleted or changed. The County needs to carefully evaluate the approval of any future subdivisions that are threatened by avalanche hazards.

To assure realistic expectations relative to the Forest Service position on avalanche control, we are pursuing further consultation with our Regional Office and will provide a supplementary statement to this letter.

Comments noted. It should be noted that Action 1.1 is an adopted county policy.

Thank you for this opportunity to comment. If you have any questions regarding these comments, please contact Cliff Shaw at this office.

Sincerely,

RANDALL SWICK
District Ranger

DEPARTMENT OF FISH AND GAME

330 GOLDEN SHORE, SUITE 50
LONG BEACH, CA 90802

(310) 590-5113

October 27, 1992

Mr. Scott Burns
Planning Director
Mono County Planning Department
P. O. Box 8
Bridgeport CA 93517

Dear Mr. Burns:

The Department of Fish and Game (DFG) has reviewed the Mono County General Plan Update Draft Environmental Impact Report (DEIR) dated May 1992 (SCH 91032012). The updated General Plan allows for development in and adjacent to community areas and for conservation of resource lands outside of community areas in order to achieve the goal of "maintaining and enhancing the environmental and economic integrity of Mono County while providing for the land use needs of County residents and visitors." The plan also provides for development outside of community areas and such development would be primarily low intensity uses such as low density residential development, agricultural uses and open space. Resource extraction projects may also be permitted in appropriate areas subject to environmental and reclamation requirements. We find that the 1992 Plan represents a substantial reduction in dwelling units and population as a result of proposed changes in land use designations and associated changes in maximum densities in the existing Plan.

The DFG has the statutory responsibility to preserve, protect, and manage fish and wildlife resources, including their habitats, as stated in Fish and Game Code Section 711.7 (a): "The fish and wildlife resources are held in trust for the people of the state by and through the department"; Section 1802: "The department has jurisdiction over the conservation, protection, and management for fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species"; and Section 711.2 (a): "...wildlife means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability".

Mono County hosts and supports a multitude of fish and wildlife populations and resources for which the DFG has concerns. These resources in the county include, but are not limited to, trout, mule deer, waterfowl, sage grouse, upland game birds and mammals, nongame species of fish, birds and mammals including the State and Federally

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listed southern bald eagle, Owens tui chub, Lahontan and Paiute cutthroat trout. Recreational resources include cold water fisheries in numerous streams, lakes and reservoirs. Valuable and/or unique aquatic, riparian and recreational resources include Fish Slough and the Owens Valley Native Fishes Sanctuary, the Hot Creek Wild Trout section and several other catch-and-release waters, Hot Creek fish hatchery, Crowley Lake and other heavily utilized roadside waters, and numerous thermal spring environments.

Our comments and recommendations on the 1992 Plan Update are the following:

The DFG is generally supportive of the proposed 1992 Plan and pleased that much of the information and pertinent data that were provided to Mono County by DFG personnel during the past few years are included in the draft Plan. We strongly support item 10, page II-8, which expresses a desire to protect the County's natural resources. The tremendous recreational uses of the natural resources in the County certainly warrant this policy.

We also support item 11, page II-9, which identifies a key issue affecting development in the County as being the conservation of a variety of natural resources, including wetlands, special status species (both plants and animals) and special habitats, wildlife habitat (in some places critical), visual quality, surface and groundwater resources. We urge you to include, specifically, aquatic habitats and compliance with Fish and Game Code Section 5937 which provides for adequate stream flows below dams to maintain fish in good condition.

Item 11, page II-9 in the draft Land Use Element, has been amended to include aquatic habitats.

A theme for development on private lands throughout the County should include the requirement that such developments should be compatible with and not degrade adjacent public land resource values. Objective F, page II-78, reflects a sound and reasoned approach towards development. Uses on private and Los Angeles Department of Water & Power (DWP) lands should be coordinated to be compatible with uses on adjacent federal lands, i.e. grazing and mining. Measures to protect range, aquatic, and riparian values on federal lands should be carried across land boundaries and implemented on private and DWP lands.

Comment noted.

The DFG strongly supports the County's proposed policies for minimizing adverse impacts to natural resources due to grazing. Inappropriate

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grazing practices have destabilized individual streams and entire watersheds within the county and degraded riparian habitats. This has resulted in increased erosion and sediment input to surface waters which in turn has degraded aquatic habitats for fish and invertebrates. Loss and/or degradation of riparian habitats has adversely affected stream bank stability and wildlife habitats for game and nongame species. Corrective livestock management measures which are sensitive to fish, wildlife, and watershed concerns can greatly enhance the productivity of both terrestrial and aquatic resources in the county. To this end, we urge the county to exert whatever influence it may have concerning grazing management toward this goal.

Comment noted.

The DFG shares the County's concerns for the water resources as stated in items 1 and 2 on page V-5 of the DEIR. These concerns will intensify as development continues and the surface and groundwater resources become more and more scarce and depleted. Adequate water resources are essential for the majority of fish, wildlife, and recreational resources in the County. The protection of water resources should be of the highest priority. We urge the County to utilize its permitting authority and zoning authority toward this goal. In addition, we urge the utilization of all applicable state laws to maintain sufficient instream flows for fish life, to maintain surface aquatic habitats, and the protection of groundwater resources by proper management.

Comment noted.

The DEIR does not include a thorough analysis of the cumulative impacts associated with the proposed project. Although cumulative impacts from the implementation of other agencies' plans are generally discussed, no mitigative measures are identified pursuant to CEQA Guidelines Section 15130 (b) (3) and 15130 (c). The EIR should examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project. Although the cumulative impacts from the proposed project would be less than those resulting from the 1982 General Plan, the options for mitigating cumulative impacts should be displayed.

The General Plan Update contains policies which require the county to coordinate future planning efforts with applicable federal, state, and local agencies. and to cooperate in implementing the resulting plans. Coordinated, planned development is expected to reduce traffic, maintain air quality, provide adequate services and infrastructure to serve the development, and to avoid or minimize impacts to a variety of natural resources. The General Plan also requires proposals for development on federal lands to address potential impacts to services and infrastructure in nearby communities and to provide

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mitigation measures for those potential impacts as well as for potential environmental impacts of the project.

The EIR has been amended to identify these policies as mitigation measures for potential significant cumulative effects resulting from implementation of the General Plan. Other mitigation measures are not feasible, since other development in the county that would contribute to cumulative impacts on the environment is either on public lands or on lands managed by the Town of Mammoth Lakes. In both cases, the county has no jurisdiction on future planning and development for those lands and must rely on a cooperative, coordinated approach to planning and development in order to protect the county's natural resources while allowing for use of private lands.

Additional analysis is not necessary in the cumulative impacts section. Section 15146 of the CEQA Guidelines states that "the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR". It further explains that "an EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow" [§15146 (b)]. It is difficult to specifically address many potential impacts because, while the plans identified in the cumulative impacts analysis allow for a certain type and intensity of development, in most cases no specific development has been proposed. As a result, it would be speculative to analyze the cumulative impacts resulting from such development in anything other than a general manner.

In addition to the above issues of support and concern, we offer more specific comments on the draft general plan in the Attachment to this letter. We appreciate the cooperation the County has demonstrated in preparation of the draft General Plan and the opportunity to review the DEIR. If you have any questions please contact Mr. Curt Taucher, Environmental Services Supervisor, at the letterhead address. Mr. Taucher's telephone number is (310) 590-5137.

Sincerely,

Fred Worthley
Regional Manager
Region 5

Attachment

cc: State Clearinghouse
ESD

ATTACHMENT A
SPECIFIC COMMENTS

Draft General Plan Update - May 1992

Land Use Element

1. Page II-5. The DFG agrees that additional ski area development is not feasible through development of support infrastructure in Long Valley, Swall Meadows, the Tri-Valley area and the Mono Basin. Policies 1, 2 and 3 in Objective (Page II-66) in the Mammoth Vicinity cannot be met if additional alpine ski area is developed, eg. Mammoth to June. The required associated urban development to support such a ski development would compromise those policies. The County should take appropriate action to limit proposed development in order to meet the goals and policies.

Comment noted. Since most of the proposed ski area development or other large scale recreational development will be on public lands, the county has no authority to limit that proposed development. It can only work with other agencies to avoid or minimize the potential impacts from that development.

2. Page II-10. The Antelope Valley issues should include: (i) the need for a designated launching area at Topaz Lake to provide boat access within California, (ii) designation of restricted boating areas to protect critical waterbird nesting and rearing habitat (this should also be included for Bridgeport and Crowley Reservoirs) and (iii) preservation of critical deer migration and winter habitat, particularly along the western portion of the Hwy. 395 corridor.

The Antelope Valley issues section has been amended to include items i , ii, and iii. Item ii has also been included in the issues sections for Bridgeport and Long Valley.

3. Page II-11. The Bridgeport Valley issues should include: (i) grazing and irrigation impacts to surface waters in Bridgeport Valley and the associated impacts to fisheries and wildlife, and (ii) maintaining desirable water conditions (reservoir level, instream flow and water quality) in Bridgeport Reservoir and the East Walker River.

The Bridgeport Valley issues section has been amended to include items i and ii.

4. Page II-12. The Mammoth Vicinity issues should include: (i) the lack of sufficient water supplies to support the desired growth by the Town of Mammoth Lakes, including the impacts of additional water gathering activities on resources and values outside the Town's limits, and (ii) sensitive wildlife resources exist (mule deer and sage grouse) in the conditional sphere areas northeast of the Town of Mammoth Lakes and at the Mammoth/June Lake airport.

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The Mammoth Vicinity issues section has been amended to include items i and ii.

5. Page II-14. The Upper Owens issues should include: (i) the DFG does not support the current grazing management practices and is concerned about impacts to fisheries, wildlife and recreational values, (ii) there is not consensus that agricultural uses are compatible with recreational use of the area, (iii) the DFG believes there are water quality problems related to grazing and (iv) the area provides sensitive habitat for mule deer, bald and golden eagles and numerous other wildlife species.

The Upper Owens issues section has been amended to include items i-iv.

6. Page II-14. The Long Valley issues should include important wildlife habitats, e.g. mule deer migration corridors.

The Long Valley issues section has been amended to include this item.

7. Page II-14. The Wheeler Crest issues should include vital deer wintering and migration habitat.

The Wheeler Crest issues section has been amended to include this item.

8. Page II-32. Policy 7 should include fisheries and the recognition that water quantity and quality are necessary for the maintenance and enhancement of fisheries.

Fisheries habitat has been included in Policy 7. The relationship between fisheries and water quantity and quality is discussed in detail in the Conservation/Open Space Element. This policy is a summary policy.

9. Page II-47. Action 3.2 should be expanded to include the DFG as an agency to coordinate with for compliance with Fish and Game Code Section 5937 and other applicable statutes.

This concern is addressed by the phrase "and other appropriate agencies" in Action 3.2.

10. Page II-47. Action 2.1 should be expanded to include: (i) the provision for a designated boat launch area to provide access within California, and (ii) the creation of restricted boating areas to provide protected waterbird nesting and rearing habitats at the south end of the reservoir.

Action 2.1 has been amended to address these concerns.

11. Page II-71. Action 2.1 should clearly state the need to preserve the riparian corridor downstream to Crowley Reservoir and measures to

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implement this action should be identified. The County should support the efforts of the DFG in securing compliance with Fish and Game Code Section 5937. Enhancing water quality should be included in stream preservation options.

Action 2.1 has been amended to address preservation of the riparian corridor and enhancement of water quality.

12. Page II-72. Implementation of Policy 1 appears unlikely unless there are major changes in grazing management practices.

Comment noted.

13. Page II-73. Action 1.3 should be amended to recognize the need to maintain water supplies for natural resources as well as adjacent properties pursuant to applicable statutes and regulations.

Action 1.3 has been amended to address this concern.

14. Page II-77. Action 3.2. The California Fish and Game Commission sets fishing seasons and regulations. The LADWP or any other entity can petition the Commission to request changes in regulations. The DFG provides recommendations to the Commission when appropriate.

Action 3.2 has been corrected in accordance with the above.

15. Page II-81. Objective B should be rewritten to state: Preserve values of land dedicated or deeded for community services, natural resources or recreation use as development occurs in the planning area (parks, community centers, equestrian trails, ski trails, hiking trails, tennis courts, deer migration corridors. etc.).

Accordingly, Policy 3 should be expanded to include resource values as well as residential uses. Action 3.3 should be added to state: Buffer new developments from deer corridors or other key wildlife habitats using a combination of open space, plantings and physical barriers.

Objective B and Policy 3 have been amended to reflect the above concerns. The proposed Action 3.3 has been added.

16. Page III-19. The provision of fish passage at highway crossings of streams should be included in the section on environmental considerations. In addition, recent and ongoing research funded by Cal-Trans is designed to formulate additional measures to reduce deer road kills.

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The Environmental Considerations section has been amended to include these issues.

17. Page III-24. Action 3.1 should be amended to state: ...clearing brush, improving signage, enforcing speed limits and other measures determined through ongoing research. Action 3.3 should include fish passage facilities as an example of fisheries enhancement projects.

Actions 3.1 and 3.3 have been amended as suggested.

18. Page V-4. Item 3 under Biological Resources should include "wintering" as well as summering grounds. In addition, the DFG agrees with the statement that trout fishing, is one the County's most popular and economically important recreational activities, has been negatively impacted by livestock grazing and water diversions. The County is obligated to adopt activities and programs to eliminate these negative impacts in areas where there is jurisdiction.

"Wintering" has been added to item 3 under Biological Resources. Other comments are noted.

19. Page V-4. Item 4 reveals the County-wide concern for the cumulative impacts of development on deer herds. Mono County's deer herds are an important biological, recreational and economic resource. The General Plan should contain strong provisions for the maintenance of this resource.

Comment noted.

20. Page V-4. Item 5 should be expanded to include grazing depletion of vital deer fawning cover as well as forage.

Item 5 has been amended as noted.

21. Page V-5. Item 2 should be expanded to reflect the uncertainties of groundwater supplies and the potential offsite impacts of groundwater extraction on natural resources. Development should follow rather than precede the securing of adequate water supplies.

Item 2 has been amended as noted.

22. Page V-6. Item 1 under Agriculture, Grazing and Timber states the County can regulate grazing on private and DWP lands. Policy and Action statements, e.g. Objective C, Action 1.2, page V-36, should

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be developed to indicate the County's intentions and programs for addressing the grazing conflict issues.

Comment noted.

23. Page V-7. The section under geothermal resources should include a reference to the Mono County/Mammoth-Pacific/Fish and Game Geothermal Settlement Agreement effective August 15, 1989. Policies for inclusion into the General Plan are contained in Appendix C.

Comment noted.

24. Page V-10. Item 1 under Outdoor Recreation should more accurately state: "Natural resource based" outdoor recreation is and will continue to be the foundation of Mono County's economy. Maintaining the high quality of local recreation facilities and opportunities is a major goal requiring the preservation and enhancement of high quality of natural resources.

Item 1 under Outdoor Recreation has been amended as suggested.

25. Page V-14. Action 1.1 should include state as well as federal land management agencies.

Action 1.1 has been amended as suggested.

26. Page V-15. The Goal and Objective of Biological Resources should be expanded to include fisheries and other aquatic resources. Objective A should be rewritten to state: Maintain and restore quality botanical, aquatic and wildlife habitats in Mono County.

The suggested revisions have been added to the text.

27. Page V-18. Policy 2 should be expanded to state: ...endangered plant and animal species and their habitats. Action 2.1 should include the requirement to obtain any necessary permits from DFG or the USFWS. Action 2.2 should be expanded to include state as well as federal land management agencies. Action 2.3 should be rewritten to state: Work with appropriate agencies to establish preservation areas to protect and restore threatened and endangered species and to make the establishment of such areas a high priority.

The text has been amended to reflect the suggested changes. The suggested policy language for Action 2.3 will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

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28. Page V-18. Policy 3 and supporting actions should be duplicated to address animal species.

Comment noted.

29. Page V-20. The DFG strongly supports Policy 4 to prevent impacts to natural resources prior to adequate environmental review.

Comment noted.

30. Page V-20. Policy 6 should be expanded to include state as well as federal land management agencies. Action 6.3 should be rewritten to state: Work with appropriate agencies to establish habitat preservation areas to protect and improve significant habitat areas and to make the establishment of such areas a high priority. Action 6.4 should be amended to state: Appoint a Fish and Wildlife Technical Advisory Committee to advise the County on fish and wildlife planning and mitigation measures and to seek funding for fish and wildlife protection and habitat acquisition. The DFG supports the formation of such a committee and is willing to participate.

The text has been amended as suggested.

31. Page V-21. Action 9.2 should be expanded to include various alternatives such as minimum pool, improved water quality and water bird nesting in order to enhance the fishery and wildlife resources.

Action 9.2 has been amended to reflect the above concerns.

32. Page V-21. Action 10.1 should be expanded to include other DFG management plans.

Comment noted.

33. Page V-22. Policy 14 should be added to direct the County to implement more meaningful, long term programs to meet Objective A with the use of County Fish and Game fine revenues.

Policy 14 has been added to reflect the above concern.

34. Page V-23. Objective B should be rewritten to state: Identify and secure adequate water for future local domestic needs while maintaining natural resources.

Objective B has been amended.

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35. Page V-25. Action 6.2 should be amended to include protection of natural resources as well as domestic and fire needs and water supplies.

Action 6.2 has been amended.

36. Page V-25. Policy 1 under Objective D should be amended to state: Encourage and support agencies...

Policy 1 has been amended.

37. Page V-30. Action 3.3 represents a good example of the appropriate expenditure of County Fish and Game fine money for meaningful, long term programs.

Comment noted.

38. Page V-34. The DFG has an aquaculture section within the Inland Fisheries Division which regulates and permits aquaculture activities within the state. Aquaculture meet standards and conditions as directed by the DFG.

Comment noted.

39. Page V-35. The DFG will support Objective C with the proposed amendment that the preservation and enhancement of natural resources, water resources and other public trust values be included.

Objective C has been amended to reflect the above concerns.

40. Page V-36. Action 1.2 should be rewritten to state: Designate sensitive portions of the Long Valley Caldera and other appropriate areas in Mono County for Natural Habitat Protection; restrict or prohibit grazing in areas so designated. The grazing standards identified in Action 1.4 are good and should be considered minimum standards for Mono County planning. The DFG supports the County's proposal to phase out grazing in areas where it conflicts with fishery uses.

Action 1.2 has been amended as suggested.

41. Page V-36. Objective A should be expanded to state: ...cutting on private and DWP lands to maintain associated wildlife resources.

Comment noted.

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42. Page V-39. Objective C should be expanded to include the protection of natural resource values.

Objective C has been amended as suggested.

43. Page V-40. Action 1.2 should be expanded to include the requirement of appropriate mitigation to reduce or eliminate adverse impacts to natural resources.

Appropriate mitigation is a requirement of the EIR process.

44. Page V-51. Action 1.2 must be expanded to include: ...adopted regulations of the California Department of Fish and Game and the goals of the DFG deer herd management plans.

Action 1.2 has been amended.

45. Page V-54. Policy 2 under Objectives B and C should be modified to direct the County to attempt to influence the decision-making bodies to adopt terms and conditions consistent with the County General Plan specifically to protect natural and recreational resources.

Comment noted.

End of Comments

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896
SACRAMENTO 94296-0001
(916) 653-6725

October 30, 1992

Mr. Scott Burns, Planning Director
Mono County Planning Department
Post Office Box 8
Bridgeport, California 93517

Dear Mr. Burns:

1992 General Plan Update and DEIR
SCH #91032012

The Resource Protection Division of the California Department of Parks and Recreation, in consultation with personnel of the Sierra District and Bodie State Historic Park, as well as other personnel of this Department with relevant expertise, have reviewed the General Plan update for Mono County as well as its Draft Environmental Impact Report. As a Trustee Agency, as defined in Section 15386 of the CEQA Guidelines, for Bodie State Historic Park and for Mono Lake Tufa State Reserve, this Department has a strong interest in the preparation and implementation of a General Plan which is most protective of the natural and cultural resources of these sites and their surroundings. Accordingly, we have focused our review on those issues which we believe may most affect the resources for which these units of the State Park System were acquired. Therefore, in Attachment I you will find comments on the General Plan, with emphasis on the Land Use, Conservation, Open Space and Noise Elements. Similarly, our comments on the Master Environmental Assessment will be found in Attachment II.

We appreciate the efforts of the County of Mono in updating its General Plan and preparing environmental documentation. The General Plan is the basic land use charter that embodies fundamental land use decisions and governs the direction of future land use in the county's jurisdiction. Consequently, a high level of specificity is necessary to provide objective guidance not only to the decision makers depending upon the plan for guidance but to applicants who seek assurance of a level playing field for the review of their projects. A quality document also assures the resident and the visitor that the qualities which make the county an attractive place will remain so. It is in this spirit that we have prepared these comments as we wish to achieve with the County of Mono the desirable goal of a document which provides clear guidance and assurance to all parties involved. Accordingly, we have attempted to constructively provide comments on specific sections of the plan, rather than generalizing on a generic problem. While this may sometimes result in our comments being repetitive and over long, we believe that the specificity provided will assist in your review. Such comments, by their nature, tend to imply a negative view of the documents which is not reflective of our actual opinion. The fact that our comments are focused to discrete areas should be interpreted as our view that on the whole, your efforts have been successful.

Mr. Scott Burns
October 30, 1992
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If you would like clarification of the comments we have provided in these two attachments, or if it would be convenient to meet to discuss our observations, please do not hesitate to contact us. All inquiries should be directed to Noah Tilghman of this Division [(916) 653-3460] who will continue to be this Department's contact person for this project.

Sincerely,

Richard G. Rayburn, Chief
Resource Protection Division

Enclosure

cc: Office of Planning and Research, State Clearinghouse

ATTACHMENT I

California Department of Parks and Recreation
Comments on
Draft Mono County General Plan Update
October 30, 1992

LAND USE ELEMENT

In General: We are concerned by the lack of clear direction provided by specific standards in this document. The use of discretionary language, lack of definition of key words and phrases, and plan inconsistencies weaken the thrust of the general plan document. It should be a yardstick by which an individual project on a specific parcel of land can be measured against the requirements of the plan with the expectation that there is a reasonable assurance of knowing whether such a use may be allowed.

Comments noted. It should be noted that specific standards are contained in the Mono County Zoning and Development Code, the primary implementation tool for the General Plan.

Specifically: This Department supports the concept of developing a Specific Plan (Action 3.1, p. II-31 and Action 4.3, p. ii-32) for higher intensity uses outside of community areas. It is our understanding from conversations with the staff of the Mono County Planning Department that it is anticipated that such a plan would be developed in the event of a mine proposal within the Bodie area. This being the case, we would urge that cultural resources be added to the minimum findings, to acknowledge the value of the historical and cultural values of Bodie State Historic Park.

Cultural resources have been added to the minimum findings in Action 3.1 to acknowledge the potential cultural resource values on all lands in the county.

Policy 5 (p. II-32): As we argued in Action 3.1 above, cultural resources and recreational areas should be added to the list of resources to be protected from visual impacts.

Policy 5 has been amended as suggested.

Policy 9 (p. II-34): "Compatible" as used in this and other sections of the proposed plan should be defined in the context of its usage by setting standards by which development may be measured.

Comment noted. Again, many land use standards are contained in or proposed for the Zoning and Development Code and other county ordinances. The issue of compatible uses is addressed in detail in existing and proposed zoning districts.

Action 9.2 (p. II-34): The directive statement that "(u)ntil the Specific Plan or Area Plan is adopted, the area shall be administered in accordance with the directive of the Resource Management land use designation." is inconsistent with the implied intent of Action 3.1 (p. II-31), Action 4.3 (p. II-32) and Action 9.1 (p. II-34), all of which lead to the conclusion that it is the overall intent of the draft General Plan that a specific plan be completed prior to the review and approval of any project of high intensity or which may be considered

Comments on Draft Mono County General Plan Update
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incompatible with other uses in the area. This interpretation seems confirmed by the last sentence of the first paragraph of the permitted use section of the RM classification which states that such areas are subject to the SP process.

The referenced statement is not inconsistent with the identified Actions. As the comment notes, the RM land use designation requires a Specific Plan for higher intensity uses. No high intensity use would be allowed in the Bodie area until a Specific Plan was prepared for that use. Until a specific plan is prepared, the land will be managed following the intent of the RM designation which is to "recognize and maintain a wide variety of values in the lands outside existing communities" including, among others, cultural, visual and mineral resources.

In addition, it is anticipated that development in the Bodie vicinity will ultimately be guided by specific policies contained in a Bodie Area Plan. The County Board of Supervisors has recently initiated an area plan process with the intent of coordinating county planning efforts with the plans of other land managers in the area, i.e. the BLM and the State Department of Parks and Recreation.

Policy 10 (p. II-34): As argued previously, cultural and recreational resource values should be added to the list of values worthy of protection.

Policy 10 has been amended as suggested.

Action 10.1 (p. II-34): To insure the highest quality development, this action requires the County staff to work with the applicant during the pre-application and application process. As a trustee agency administering public lands for their protection and perpetuation, this Department urges that when projects may affect such lands, we be included in these discussions as well. Such a modification would be in keeping with Action 1.3 on page V-40 and would make this document more internally consistent.

Action 10.1 has been amended to include the phrase "and, when applicable, staff from applicable federal, state, and local agencies".

Policy 2 (p. II-38): To protect open space lands from conversion as proposed in Objective F, this policy should include cultural as well as natural resources and recreational opportunities.

Policy 2 has been amended as suggested.

Action 2.4 (p. II-38): The definition of "site disturbance" is discussed in the Land Use Designation discussion on p. II-118. Our points discussed on this issue (following) should be included in such a future amendment of the County's Zoning and Development Code.

Comment noted.

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Action 3.1 (p. II-40): This action discusses the need to require measures to offset the impacts of development upon County services. Services other than just those of the County should be addressed in this action.

This action has been amended to address county services and other local service providers.

Land Use Designations (p. ii-118): The discussion of the term "site disturbance" concludes that it is an area changed from its natural condition and that previously disturbed areas would not be counted in the calculation of site disturbance. We believe that it is necessary to be sensitive to the possibility that previously disturbed areas which may or may not have been revegetated may in fact be culturally significant. We therefore recommend that this discussion be modified to note the inclusion of cultural sites within the definition articulated in this paragraph.

Comment noted. The definition of site disturbance will be expanded and clarified during the revision of the county's zoning code.

Resource Management (RM) (p. II-124): The designation of land use authority other than the County, proposed in paragraph 3 of this section, does not appear to have been carried through to the Land Use Maps presented in the subsequent section. Map E in that section also is not clear as to the area to be addressed by the proposed specific plan (SP).

The designation of lands as RM/INF, RM/BLM etc. is intended to be a reference to other land management plans for publicly owned lands where the county has no planning authority. It is not an indication of what may occur on that land, but an indication that the land is publicly owned and that the appropriate document should be consulted for land management policies. The Land Use Maps indicate through shading which land is publicly owned and which is privately owned. Generally, land use designations are shown only for private lands since the County's General Plan can only address development on private lands.

Map E, which shows the Bodie area, will be corrected to designate Bodie as "SP/AP", Specific Plan or Area Plan. The boundaries of that specific or area plan area will be determined through the planning process for the specific or area plan. The general intent of the area plan is to include those areas that have an influence on the operations of Bodie State Historic Park. A specific plan, if pursued, would most likely focus on a specific parcel of private land proposed for development.

Resource Management (RM) (p. II-125): It is not clear from the description in "Permitted Uses" if mineral exploration activities are intended to be included within this procedure as they should be. In addition, as pointed out earlier, the requirement that "higher intensity uses" be subject to a Specific Plan or PUD process seem to be inconsistent with the language of Action 9.2 on page II.34. It should be made clear consistently throughout the document that the specific plan is to precede the development. The second paragraph of "permitted uses" is

Comment on Draft Mono County General Plan Update
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dependent upon an as yet unprepared "Resource Extraction" District. (See also discussion of Action 2.1 at page V-40.)

The permitted uses section of the RM district includes mining and geothermal exploration projects (subject to use permit) as permitted uses. As discussed previously, under Action 9.2 on p. II-34, the requirement that higher intensity uses be subject to a specific plan is consistent with other action items throughout the plan. It is clear throughout the document that the plan will precede the development. The Resource Extraction zoning district has been drafted and is ready for adoption as an implementation measure for these general plan policies (see Appendix A of the Conservation/Open Space Element).

CIRCULATION ELEMENT

In General: We have no comments on this section other than to suggest that the support of BLM's RMP designation of Scenic Byways on page III-33 would be clearer if the nomenclature used by the BLM document were used, so that the reference would be to "State Highway 270 (Bodie Road)". Similarly, the unnumbered chart entitled "Mono County Trail System" in Appendix A following page III-51 could be improved if the legend described the meaning of "CC".

When discussing Scenic Byway designations, the BLM's RMP refers to both the "Bodie Road" and to "State Highway 270 (Bodie Road)". The current reference in the General Plan reflects the BLM document.

The legend on the Mono County Trail System table has been amended to indicate that "CC" refers to cross country skiing.

CONSERVATION/OPEN SPACE ELEMENT

In General: We concur in the County's assessment of the value of the natural and cultural resources found within their boundaries. Open space, clear vistas and a sense of unspoiled resources contribute to the popularity of the county with visitors as well as residents. Our comments focus on the proposed mineral and visual policies as they relate to our units, in an effort to perpetuate the values which make Bodie SHP and Mono Lake Tufa SR important visitor destinations.

Specifically: While addressed in a separate section with its own set of policies, we urge the County to include their cultural resources in any listing of valuable resources, such as natural and recreation, needing protection, so there will be no confusion from an incomplete reading of the final General Plan. In Action 1.2 (p. V-14), both recreation and cultural resources should be added to the list of values which open space serves to protect.

Action 1.2 has been amended to include cultural resources.

Action 1.2 (pp. V-16 and 17): Requiring project designs to protect important habitat features should include cultural features as well. Scientists are
Comments on Draft Mono County General Plan Update

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becoming increasingly aware of the value of undisturbed human-made features such as, but not limited to, abandoned mine workings as wildlife habitat for increasingly threatened bat species and small mammals, and as shelter for a variety of avian species. Therefore, we urge the County to include cultural features among those to be protected in new development.

Action 1.2 has been amended to address the above concerns.

Action 1.6 (p. V-17): The use of the discretionary word "may" could lead a casual reader to the conclusion that not all mining development would require a reclamation plan. This statement is inconsistent with the last sentence of paragraph 2 of the section labeled "Mineral Resources" on page V-7 of this element. This Action Statement should be corrected to reflect sections 20.02.040 and 20.02.050 of the County Code.

Action 1.6 has been amended to clarify that mining development shall be required to submit a reclamation plan and that other types of development may be required to do so. The County has drafted a Reclamation Ordinance which applies to reclamation on all types of projects where reclamation shall or may be required, not just mining. This ordinance, which is ready for adoption, will replace Chapter 20.02 of the County Code (see Appendix A of the Conservation/Open Space Element).

Action 1.7 (p. V-17): It is unclear who shall be responsible for the monitoring of the success or failure of adopted mitigation measures. Direction should be given so that the developer, or the potentially affected party, will have the assurance that the review will be carried out and reported objectively, and in a public and timely manner. We would also urge that if such monitoring is discovered to be necessary it lead to additional efforts if the initial mitigation measures do not reach the levels of success anticipated in the approved mitigation program. Without such requirements, mitigation is an empty "show and tell". For this purpose we recommend an additional guaranteeing action.

The concerns identified above are addressed in the county's adopted Environmental Handbook and the Draft Reclamation Ordinance (see previous comments).

Objective B (pp. V-31 and 32): The policies of this objective address protection of the county's waters from sewage, livestock, road maintenance compounds, fertilizers and pesticides. However there are no policies which address the management and control of toxic chemicals or other substances in extractive, industrial or manufacturing uses. Policies should be adopted for these uses as appropriate.

Policies have been added to address these concerns.

Mineral Resource Policies (pp. V-37 through V-42)

Comments on Draft Mono County General Plan Update
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In General: The County of Mono planning staff endeavored to keep the staff of this Department informed of the progress of the Mineral Resource Technical Advisory Committee as they developed their proposed Mineral Resource Management Policies. An employee of the Department volunteered his time to sit upon the Committee. We are therefore somewhat familiar with the product prepared and submitted to the County by this group. For this reason we are surprised to see proposed policies which were designed to address such issues as funding and timing of reclamation and the bonding of mining projects apparently deleted from this draft. As we have discussed before, we strongly urge the development of policies which give unambiguous direction for such policy issues.

Funding and timing of reclamation and the bonding of mining projects is addressed in detail in the county's Draft Reclamation Ordinance (see previous comments). That ordinance will provide specific implementation procedures for the more general policies in the General Plan.

The main thrust of these policies is to provide protection of the mineral resource. Additional consideration should be given to providing specific direction for the prevention of adverse impact from this activity to the health and welfare of the County's population and the other valuable resources of the County. To ease the use of the General Plan document, cross referencing to applicable policies should be considered in all sections of the manuscript.

Specific direction concerning protection of the health and safety of the county's population and other valuable resources is found throughout the General Plan, especially in the Conservation/Open Space Element. The General Plan is structured so that avoidance or mitigation of potential adverse impacts is discussed under individual resources, rather than under activities. For example, prevention of adverse impacts to cultural resources is discussed under cultural resources, rather than under mining, recreation development, housing development, etc.. By structuring the document in this manner, we are able to address potential adverse impacts to a resource from all types of development and we treat all types of development the same by requiring them to do impact assessment studies and to provide mitigation measures if necessary.

Additional cross references have been added to the document.

Specifically: Objective B (p. V-38): Here, as at Action 1.1 of Objective C on page V-39, the use of the words "avoid or mitigate" gives ambiguous direction.

Comment noted.

Action 2.1 (p. V-40): The policies of the Mineral Resource section require compliance with the minimum standards for mineral resource protection, information gathering, and decision making required by existing law. This action requires the development of a new Resource Extraction District in the County's Zoning and Development Code. Such a new zoning district should be based upon clear direction in the general Plan by which the district can be measured as to its adequacy to carry out and conform to the plan's provisions.

Accordingly, this action should give a time frame when the new district is to be

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drafted; specific direction to include, but not be limited to, amounts and phasing of bonding requirements; reclamation requirements such as timing, monitoring, stockpiling of soils, design criteria; anticipated standards for accomplishment for wildlife protection and enhancement; recontouring or pits, leach pads, roads, etc.; revegetation with local native species; visual and noise requirements which work to eliminate adverse impacts to surrounding uses; and provided for monitoring and enforcement of the above provisions.

Such development standards are not unheard of in this General Plan. For example, the Visual policies at Action 2.1 on page V-65 enumerate a series of such "development standards".

The concerns expressed above are addressed in the county's Draft Resource Extraction Zoning District and Draft Reclamation Ordinance. Both documents were drafted as implementing tools for General Plan policies and contain specific directions for implementing General Plan policies. It is anticipated that these ordinances will be considered for adoption in public hearings soon after the general plan is adopted.

Action 2.2 (p. V-40): We interpret this policy as meaning that no mineral resource development activity, including recreational mining, exploration, casual use, or any other mineral extraction related activity may occur until the Resource Extraction zone has been adopted.

Once the General Plan Update is adopted, mineral resource development activities in areas designated something other than Resource Management or zoned something other than Resource Extraction would be inconsistent with the General Plan. As addressed elsewhere in the General Plan, the term "mineral resource development activity" does not include recreational mining, exploration or casual use. As noted in Action 2.3 on page V-40 of the Draft Conservation/Open Space Element, recreational mining is allowed in all districts. As noted in Action 8.1 on page II-33 of the Draft Land Use Element, exploratory activities may be allowed in areas designated Resource Management, Open Space or Agriculture.

Action 2.3 (p. V-40): The County may wish to consider the use of at a minimum some sort of notice procedure, so that activities which are otherwise considered de minimis can be monitored to determine if they have broken the threshold of permit requirements.

Comment noted.

Visual Resource Policies (pp. V-60 through V-69):

In General: We agree with the County's assessment that their open landscapes have little capacity to absorb much development without significant visual impact. To successfully maintain the open vistas while providing for reasonable growth will not be an easy task. We are pleased to see that the County acknowledges the scenic value of cultural and historic sites as well as natural areas. It is in the context of protecting the

Comments on Draft Mono County General Plan Update
Page Eight

landscape and setting of such natural, historic, cultural, recreational, and scenic landscape areas which define the nature of the State Park System units that we offer the following comments.

Policy 6 (p. V-62): We are unclear whether Green and Main Streets in Bodie are considered abandoned in the context of this policy. We believe that their current use under the agreements maintained by this Department with the County presupposes their continued low intensity use in their present context.

Green and Main Streets in Bodie are not considered abandoned in the context of this policy.

Action 2.1 (p. V-63): We recommend the adoption, as part of this General Plan, of a criteria for the signing program proposed by this action.

This action item does specifically propose a signing program. Signs for state scenic highways are designed and distributed by Caltrans.

Policy 6 (p. V-64): To conform with Action 2.3 on page III-33, this policy should support rather than merely encourage the designation of appropriate national scenic and backcountry byways.

Policy 6 has been amended as noted above.

Action 1.1 (p. V-64): Other negative aesthetic effects such as dust or steam plumes, and night lighting should be included.

Action 1.1 has been amended to include the above items.

Policy 2 (p. V-64): The summary for this document on page vii at #6 describes mitigation for visual impacts by the establishment of a design review process in certain communities and along scenic highways. It is not clear from the content of this and other policies how this mitigation is to operate. Some guidance should be given in the implementation phase as to areas, process, and participants.

The Mono County Zoning Code contains chapters on Design Review and Scenic Combining Districts which detail the process of establishing and operating a design review process.

Action 2.1, standard 1 (p. V-66): The direction to be utilized for use of existing roads whenever possible may not always be appropriate. The Bodie State Historic Park Resource Management Plan, General Development Plan and Environmental Impact Report proposes a bypass road around the SHP to protect the integrity of its historic and visual environment. While this road alignment may be subject to debate, the proposal was originally advanced in an effort to improve the visitor's visual experience. This concept of new road for such improvements should be considered.

Action 2.1 has been amended to reflect the above concerns.

Comments on Draft Mono County General Plan Update

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Action 2.1, standard n (p. V-66): Revegetation with native plants could include any number of species which would not be suitable for Mono County. The use of a mix of indigneous species native to the site should be used based upon a pre-project species survey. Due to its genetic superiority, such a mix has a better chance to survive and propagate, accomplishing the intent of these policies. Similar wording should be employed in Action 4.1 on page V-67.

Action 2.1, standard n, has been amended to reflect the above concerns. Action 4.1 on page V-67 focuses on funding revegetation programs, not the programs themselves, and therefore does not require amendment.

Action 2.3 and 2.4 (p. V-66): It is not clear where and when, or under what circumstances, a Scenic Combining District or Design Review District would be applied or used.

Design Review Districts would be implemented in community areas as needed and when supported by local residents. The County currently has one Design Review District in the Wheeler Crest area. Similarly, Scenic Combining Districts would be established as needed, and most likely would be limited to scenic corridors.

Action 2.6 (p. V-66): A corollary to this action should be included to ensure that projects adjacent to State and federal property are fully mitigated for potential adverse impacts to these public lands. Such a policy would strengthen and carry out the intent of such cooperation proposed in other sections of this plan.

Policies and action items throughout the General Plan ensure that adverse impacts to surrounding properties are fully mitigated.

Action 5.1 (p. V-68): The County should consider the expansion of this prohibition beyond the relatively narrow scenic corridors, due to the county's open vistas.

The County's Sign Ordinance currently prohibits all off-site advertising signs or billboards.

Action 2.3 (p. V-69): Part of the visual integrity of historic structures and points of interest is the visual state of their surroundings. These should be considered and protected as well.

Action 2.3 has been amended to reflect the above concerns.

Cultural Resource Policies (pp. V-74 through V-79):

In General: We certainly concur with the County of Mono's statement on pages V-10 to V-11 regarding the rich and valuable nature of the county's cultural resources. We would point out, however, that the chance that these resources will remain intact is dependent on an active stewardship program involving landowners, and governmental officials at all levels, who should strive to reverse the rapid diminishing of these

Comments on Draft Mono County General Plan Update

Page Ten

resources. We would also note that while many of the county's cultural resources are located upon public lands, there are significant cultural resources on private lands within the County's sphere of authority. Accordingly, we are making recommendations for the strengthening of the programs and actions suggested in the draft cultural resources section of this element.

Specifically: In this vein we recommend that the goal of the Outdoor Recreation Section (p. V-69) provide opportunities which conserve cultural as well as natural resources.

The goal of the Outdoor Recreation Section has been amended as suggested above.

Policy 1, Actions 1.1 and 1.2 (p. V-74): The sections could be improved to contain the basic elements of a Cultural Resource Management Program which gives sufficient direction for the County to take the next step of establishing an ordinance and its administering commission.

The elements of a Cultural Resource Management Program will be established by the ordinance discussed in Action 1.1.

Action 2.2 (p. V-74): Besides consulting the various entities which may have available funding for the County's programs, the monies should be sought. Funding should also be sought for the ongoing update of the cultural resource inventory suggested in Action 1.4 on page V-76.

Action 2.2 has been amended as suggested. Funding for the inventory suggested in Policy 1 and the accompanying action items on pp. V-75 and V-76 is included in the phrase "cultural resources preservation and management" in Action 2.2 on p. V-74.

Policy 1 (p. V-75): To carry out the stated goal of the County to preserve the cultural resources of the county, this policy should require that all private development projects include a comprehensive inventory of cultural resources prior to County approval of new developments.

CEQA requires new development to assess cultural resources on the site and to determine if the proposed development will significantly impact those resources. Policy 1 and Action 1.1 on page V-76 require new development to avoid or mitigate potential significant impacts to cultural resources, to provide an analysis of the potential impacts prior to project approval, and to recommend project alternatives or mitigation measures.

Action 1.1 (p. V-75): The County should not only work with other agencies to analyze current data, but should work to establish and maintain a cultural resources inventory for the entire county.

The County has neither the money nor the manpower to develop and maintain a cultural resources inventory for the entire county. It would be redundant to establish a separate data base when extensive data have already been collected

Comments on Draft Mono County General Plan Update

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and are maintained by state and federal agencies. Cooperative planning and management efforts are becoming increasingly important as money and other resources become increasingly scarce for federal, state, and local agencies as well as for the private sector.

Action 1.2 (P. V-75): Here the County could not only investigate cooperative approaches to conducting cultural resource inventories beyond what is done for development projects but, as suggested above, could take the lead in establishing such approaches.

See previous response.

Action 1.1 (p. V-76): The proposed analysis should also include the requirement that the guidelines issued by the State Historic Preservation Office for cultural resource management be followed.

Comment noted.

Actions 1.1 and 1.2 (p. V-76): We assume that the word "significant" as used in these two sections and throughout this document is defined by the California Environmental Quality Act. In the usage of this section the County may also wish to consider the National Register Criteria definition.

Comment noted.

Action 3.2 (p. V-77): In addition to encouraging the State to purchase properties the County should add an action similar to 2.2 on page V-18 which lends County support to acquisition of such areas in cooperation with federal land management agencies or land conservation organizations.

An action item has been added as suggested.

Public Health and Safety Policies (pp. V-79 to V-83)

Specifically: Policy 3 on page V-80 requires that future developments which might significantly impact air quality, avoid or mitigate such impacts unless there are overriding considerations as described in CEQA. A higher standard is obtained via Action 3.1 on this page for "areas determined by the County to be of special significance." However, such areas are not described in this General Plan, nor is there a mechanism or standards described to designate such areas. This deficiency should be rectified in the final document.

The referenced sentence concerning "areas of special significance" has been deleted.

Policy 7 (p. V-81): This policy and its action do not describe standards by which fugitive dust will be measured. Is the County proposing that there is an amount of dust by given activities which is allowable and which will be tolerated?

Comments on Draft Mono County General Plan Update
Page Twelve

Policy 7 and its action are intended to mitigate to the greatest extent possible the amount of fugitive dust generated by construction activities.

NOISE ELEMENT

In General: We concur with the issues identified by the County, particularly the need to identify land uses sensitive to noise. To the general list, provided in item 4, we would recommend the addition of certain recreation, popular visitor destinations and cultural resources sites.

Item 4 in the Issues/Opportunities/Constraints section has been amended as suggested.

Specifically: Action 1.1 (p. VII-5), in declaring that the County's noise ordinances would be revised as necessary, is inconsistent with Section II #7, on page VII-3, which declares that there is a current need to update the County's ordinance. The County should carry out the current acknowledged need for updating.

The County intends to update the Noise Ordinance, as well as other sections of the County Code which require updating as a result of the adoption of the General Plan Update, within one year of the adoption of the General Plan Update.

Action 2.4 (p. VII-6): In addition to the Marine Corps, other branches of the military should be worked with to reduce the impact of low flying aircraft over significant public use areas such as Mono Lake Tufa SR and Bodie SHP. This Department has made such contacts to reduce overflights in the past, and would be happy to obtain the support of the County.

Action 2.4 has been amended as suggested.

Action 1.3 (p. VII-7): This and other actions of the draft General Plan require the amendment of the County's noise regulations at Chapter 10.16 of the Mono County Code. However, nowhere is a time frame given for the accomplishment of this task. With the acknowledged need for updating, and a variety of proposed amendments in the text of the draft plan, we urge the County to set a specific time for this task.

See the previous response at the top of this page.

Policy 2 (p. VII-7) and Action 3.2 (p. VII-8): These and other proposed actions are dependent upon conformance with the standard of the County's noise regulations and illustrate the need for prompt updating.

Comment noted.

County Code section 10.16.070 (p. 192) indicates that the noise standards for various types of land use are identified in table 10.16.070 on page 193. Neither the RM or the SP land use classification as used in the draft General Plan

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Page Thirteen

appears in this table, therefore any use in these classifications has no current standards.

As noted previously, the noise ordinance will be updated to be consistent with the General Plan. It should be noted that noise limits are established for types of land uses, not for each land use designation or zoning district. Therefore, in the revised noise ordinance, there may not necessarily be a noise limit specifically for RM or SP. Instead, there will be noise limits for types of uses in those land use designations.

We appreciate that several of the proposed County actions indicate a desire to maintain ambient noise levels. These goals should also be reflected in the updated noise regulation instead of an arbitrary noise level.

Comment noted.

It appears that action 3.2 (p. VII-8) is designed to establish noise levels on a case-by-case basis rather than the reliance on the County noise ordinance referred to in other actions and policies. This seeming inconsistency should be rectified or the inconsistency explained.

Action 3.2 is not designed to establish noise levels on a case-by-case basis, but relies on the County Noise Ordinance as do other policies and actions in this section. Items d and e of Action 3.2 specifically require compliance with the County Noise Ordinance. Action 3.1 requires amendment of the Noise Ordinance to include standards for the amplitude of air blasts and ground-borne vibration.

ATTACHMENT II

California Department of Parks and Recreation
Comments on
Draft Mono County Master Environmental Assessment
October 30, 1992

The California Department of Parks and Recreation maintains and administers two units of the California State Park System within Mono County. These units, the Mono Lake Tufa State Reserve and Bodie State Historic Park, contain approximately 17,000 and 495 acres respectively. Each has nearly 200,000 visitors each year. Both are world class attractions, featured prominently in natural history books, cultural texts, and in popular photography. While this Department has not yet prepared a plan for Mono Lake Tufa State Reserve, the Bodie State Historic Park Resource Management Plan, General Development Plan and Environmental Impact Report was completed and adopted by the California State Park and Recreation Commission on January 19, 1979. This document, which is misreferenced in the Summary (p. 10) and not cited at all in the MEA's Reference section, has served as the guide for park use, maintenance and interpretation for over thirteen years. Other documents prepared by this Department which are relevant to the MEA include:

The Cultural Resources of Bodie State Historic Park, 1977
Bodie State Historic Park 1989 Visitor Survey Results, 1991

Department personnel not only provide interpretation of the natural and cultural features of these units, but provide fire and police services for areas in and around the units. These units also provide protection for cultural and natural features which are not available anywhere else in the State Park System, features which draw not only the academic, but also the outdoor recreationist. They are, therefore, of more than local importance.

The socio-economic impact on the County of Mono by these units is not addressed in the subject document. Not only the salaries of the employees' services purchased and provided by the units, but also the impact upon the County's recreation industry should be considered. The 1989 survey results referenced above conclude that conservatively, Bodie SHP is worth 2.6 million dollars annually in out-of-county generated dollars put into the local economy.

This Department recommends that the above information be included in appropriate portions of the MEA, including but not limited to the Planning and Socioeconomics, Land Use, Community Services and Facilities, Cultural, Geology and Soils, and Outdoor Recreation Sections.

Information provided here has been included in the Planning and Socioeconomics and Outdoor Recreation sections of the MEA. The Reference section of the MEA and the Summary section of the EIR have been corrected with the proper reference for the Bodie Resource Management Plan.

Finally, we would also point out that like wilderness and National Parks (ref. p. 141), State Park System units are sensitive receptors to poor air quality as a reduction in visibility detracts from the recreational experience.

State Park system units have been added to the list of sensitive receptors.

MONO COUNTY GENERAL PLAN EIR

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, *Governor*

DEPARTMENT OF TRANSPORTATION

500 SOUTH MAIN STREET
BISHOP, CA 93514

(619) 872-0689

September 1, 1992

File: SCH #91032012

County of Mono
Planning Department
HCR #79 Box 221
Mammoth Lakes, CA 93546

Attention: Laurie Mitchel

Project Title: 1992 Mono County General Plan Update

It is the intent of this letter to formalize verbal comments which were made previously in the presence of Mono County planning staff. The comments deal specifically with the circulation element of the General Plan and are as follows:

Page III - 10 Bridgeport Valley - The actual accident rate at the point Ranch Location is below the statewide average for a highway of this type.

Page III - 11 Mono Basin - The old Marina turn off is signed in accordance with statewide signing standards. In the prior sentence insert "paved" between no and shoulders.

Page III - 25 Action 5.1 - Since the four-laning of U.S. 395 to Lee Vining is included in the current STIP the emphasis on promotion of the portion of the highway is no longer necessary.

Page III - 25 Action 5.2 - We feel the sentence should read "promote measures that will reduce the potential for avalanche closures along Route 158".

Page III - 39 Action 1.2 - Caltrans plans to install guardrail at the Highway 395/point Ranch location in 1993.

Page III - 39 Policy 2 - The speed limit on a given stretch of highway is determined by the 85 percent method as required by law. Our studies do not indicate a change is warranted.

VI. RESPONSE TO COMMENTS

Laurie Mitchel
August 26, 1992
Page 2

If you have any questions regarding these comments feel free to call me at 619-872-0689.

ROBERT J. RUHNKE, Chief
Transportation Planning
Branch C

RJR:pd
CC: SCH
Russ Colliau

Comments acknowledged. The draft General Plan has been amended to reflect the above comments.

MONO COUNTY GENERAL PLAN EIR

State of California

California Environmental
Protection Agency

M E M O R A N D U M

To: Tom Loftus
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Date: September 17, 1992

Laurie Mitchel
Mono County Planning Department
HCR 79 Box 221
Mammoth Lakes, CA 93546

From: Lorraine Van Kekerix, Manager
Waste Generation Analysis &
Environmental Review Branch
Planning and Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: SCH #91032012 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR
MONO COUNTY GENERAL PLAN UPDATE

Project Description

The update of the Mono County General Plan will allow for development in and adjacent to community areas and for conservation of resource lands outside of community areas. The plan also provides for development outside community areas, primarily for low intensity uses.

General Comments

California Integrated Waste Management Board (Board) staff has reviewed the NOP for the project cited above and offer the following comments:

In consideration of the California Environmental Quality Act (CEQA), Section 15205 (C), Board staff will comment only on specific issues involving waste generation, handling, and disposal.

In order to help decision-makers 1) identify potential impacts from construction and demolition projects, 2) determine whether any such impacts are significant, and 3) ascertain whether significant impacts can be mitigated to a level of insignificance, CIWMB staff request that the Final Environmental Impact Report (FEIR) include the following information:

- A) Identification of the final disposal site(s) for the solid waste generated by any project construction.

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September 17, 1992

- B) Identification of the types and quantities of solid waste to be generated during any construction and the project completion, including additional sewage sludge, which would require landfilling.
- C) Identification of the potential impacts of these quantities on remaining capacity and calculated sitelife of target landfills.
- D) Identification of any past or present areas of unpermitted landfilling and/or dumping at the site, and how these areas will be mitigated.

Final disposal sites for solid waste generated as a result of new development allowed under the General Plan Update are identified on Figure 6B (Solid and Liquid Waste Facilities) in the Master Environmental Assessment. The County's Negative Declaration (SCH #92102086) for the proposed conversion of four public landfills to transfer stations discusses the type and quantity of solid waste to be generated during any construction, as does the county's draft Source Reduction and Recycling Element of the Integrated Solid Waste Management Plan. The Source Reduction and Recycling Element also discusses the impacts of future waste generation on the remaining capacity and sitelife of the county's landfills. The Integrated Solid Waste Management Plan, including the Source Reduction and Recycling Element, is incorporated by reference in both the General Plan Update and the EIR. Item D is not applicable in the county.

All Cities and Counties within the State are required to comply with the planning requirements of the Integrated Waste Management Act of 1989 (Act), and the planning guidelines of the California Integrated Waste Management Board. To meet those requirements each jurisdiction must establish a series of waste management programs to divert 25 percent of nonhazardous and household hazardous waste from landfills by 1995 and 50 percent by the year 2000.

The County has done so in its Source Reduction and Recycling Element referenced above.

New residential and commercial developments increase the amount of waste being sent to landfills. To minimize this amount, and help a jurisdiction comply with the requirements of the Act, CIWMB staff suggest the FEIR discuss source reduction (any action which causes a net reduction in the generation of solid waste) and/or recycling programs which will be implemented as a part of the proposed project. These programs can include: buy-back recycling centers, curbside recycling material and household hazardous waste collection, composting facilities, materials recovery facilities, etc.

The County has done so in its Source Reduction and Recycling Element referenced above.

MONO COUNTY GENERAL PLAN EIR

Thank you for the opportunity to comment on the subject project. If you have any questions regarding the staff's comments, please call Kevin Taylor of the Waste Generation Analysis and Environmental Review Branch at 255-2334.

VI. RESPONSE TO COMMENTS

STATE OF CALIFORNIA

PETE WILSON, *Governor*

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*

GRAY DAVIS, *Controller*

THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE

1807 - 13th Street

Sacramento, CA 95814-7187

CHARLES WILSON

Executive Officer

File Ref: SCH 91032012

Ms. Carol Whiteside
State Projects Coordinator
The Resources Agency
1416 Ninth Street
Room #449
Sacramento, CA 95814

Ms. Laurie Mitchel
Mono County Planning Department
HCR 79 Box 221
Mammoth Lakes, CA 93546

Dear Ms. Whiteside and Ms. Mitchel:

Staff of the State Lands Commission (SLC) has reviewed the Draft Environmental Impact Report (DEIR) for the Mono County General Plan (SCH 91032012). Based on this review, we offer the following comments.

The SLC has jurisdiction and authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The SLC has an oversight responsibility for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Section 6301). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes.

Shortly after becoming a State, California was granted Sections 16 and 36, or lands in lieu thereof, out of each township then held by the federal government. The lands, classified as "School Lands," were given to the State to help support public education. While many of the School Lands were sold off over the years, the State retains an interest in approximately 1.3 million acres of mostly desert and forest lands. State legislation has mandated that revenues from these school lands accrue to the State Teachers Retirement System. The SLC has jurisdiction and authority over School Lands and lieu lands.

Ms. Carol Whiteside
Ms. Laurie Mitchel
September 24, 1992
Page 2

The proposed project area includes State Land. These lands include, but may not be limited to, Mono Lake, approximately 9,000 acres of State-owned School Land parcels and over 16,000 acres of patented School Land parcels with a State reserved mineral interest. These mineral interests are also under the jurisdiction of the SLC. A lease from the Commission is required for any portion of a project extending onto State-owned lands which are under its exclusive jurisdiction. Additionally, planning efforts for reserved mineral interest lands must consider the State's residual interests.

The County should also be aware that local Plan designations are not binding on the SLC. Although the Commission coordinates with local government to the maximum extent feasible and appreciates the utility of plans and zoning as expressions of a city or county's land use preferences, the Commission is guided by applicable constitutional, statutory and case law in determining appropriate land uses over lands subject to the SLC's jurisdiction.

RECOMMENDED ALTERNATIVE GOALS AND POLICIES

Local governments have powerful tools at their disposal for properly initiating good planning practices that affect public trust lands and resources. These tools include general and specific plans and environmental documents. The Mono County General Plan Update process provides an excellent opportunity to incorporate public trust resource protection values. The local land use planning process can be a foundation for identifying appropriate uses for both public trust lands and adjacent properties which may impact public trust resources. The Mono County General Plan could include goals and objectives for long-range planning, specific policies and standards to support public trust goals. The following goals and policies are suggested for consideration as alternative additions to the proposed General Plan:

- (1) *Present and future generations should enjoy a healthful environment and share in The responsibility for preserving and enhancing of the public trust resources within the planning area .*
- (2) *Identified land uses shall ensure the long-term protection of public trust values.*
- (3) *Future developments in [[region] should be consistent with the sovereign interest of the State and its responsibility to protect public trust resources: public access rights to its waterways, the use of these waterways for fishing and navigation, and the protection of wildlife and its habitat, marine and the other resources of the [region].*

The issue of the protection of public trust values is adequately addressed in the draft General Plan, especially since most of the public trust resources in the county are on public lands where the county has no planning authority.

We wish to commend the County for its efforts in preparing its General Plan Update. Utilization of a Master Environmental Assessment provides a strong base upon which land use decisions can be made. Building on the Assessment, we would suggest that the County also include management policies which would ensure the promotion of public trust interests within the County. We offer the following for consideration into

Ms. Carol Whiteside
Ms. Laurie Mitchel
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Page 3

the Wildlife and Water Resources, Outdoor Recreation, Vegetation, Wildlife and Water Quality policy sections of the Plan.

Public Trust Resource Management Policies

- Fishing: Facilities serving recreational fishing shall be identified and shall be protected and where feasible upgraded.

The majority of recreational fishing facilities in the county are on public lands, over which the county has no planning authority.

- Marinas and Recreational Boating: Allow new recreational commercial and marina developments only to the extent that, based upon a carrying capacity study, no significant negative impacts to public trust values, human, ecological or water quality will result.

The majority of marina facilities in the county are on public lands, over which the county has no planning authority.

- Scenic Resources: The scenic resources of the public trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with public trust lands and resources.

Comment noted.

- Flood Control: Flood control structures or improvements shall be consistent with a policy of no net loss in quality or quantity of aquatic habitat or riparian, seasonal and permanent wetlands.

Draft wetlands policies have been developed by the county and will be added to the General Plan when they are finalized.

- Public Access Provisions: Require public access to and along the shoreline of navigable waterways in all new developments adjacent to such waterways consistent with statutory and constitutional requirements (Government Code Section 66478.1, et seq; Article X, Section 4 of the California Constitution; and Sections 6210.4 and 6210.5 of the Public Resources Code). A suggested public action plan would include the following provisions:

The requirement for public access to navigable waterways in new developments is addressed in the County's Subdivision Ordinance. Access to waterways was also a prime consideration in developing the county's trail system.

- existing and proposed future accessways which are specified based upon access needs, historic sloughs and other public trust lands, specifically identifying accessways with other trail systems including urban paths to ensure linkages;

Ms. Carol Whiteside
Ms. Laurie Mitchel
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- dedication requirements to guarantee permanent access (e.g. dedication of fee, easement or deed restriction);
 - a maintenance and operations plan specifying how accessways shall be maintained and operated and by what agencies;
 - a priority acquisition element specifying the location of accessways for acquisition by in-lieu fees; and
 - accessways standards consistent with state and federal law and state standards of agencies accepting jurisdiction for such accessways.
- Wetlands: All development shall be consistent with a comprehensive wetlands management plan. A suggested plan would include the following provisions:

Draft wetlands policies have been developed by the county and will be added to the General Plan when they are finalized. The wetlands policies address each of the issues identified below, as well as additional policy measures to protect wetlands.

- a policy of no net loss in quantity or quality of seasonal and permanent wetlands and sensitive aquatic and riparian habitat based on their ecological characteristics;
- a policy of avoidance of wetland and aquatic and riparian areas as the preferred method of "mitigation";
- a policy of clustering houses and other structures when appropriate to minimize or avoid impacts to habitat areas;
- when it is infeasible to avoid impacts on wetlands or wetland or riparian habitat values, a policy that all proposed development shall replace wetland and riparian habitat values and acres lost due to development with functionally equivalent values and acres; where feasible, lost wetland habitat values and acreage shall be replaced on the project site; and
- prior to project approval, where it is infeasible for a development to occur without impacting wetlands, prepare a Wetland/Riparian Mitigation Plan which shall be reviewed by the appropriate state and federal resource agencies: State Lands Commission, Department of Fish and Game, U.S. Fish and Wildlife Service, Army Corps of Engineers, and the Environmental Protection Agency. The Mitigation Plan shall include at a minimum the following information: (1) the required minimum ratio of acres lost to acres restored based on like habitat values; (2) identification of wetland linkages/corridors; (3) identification of appropriate preserves and refuges; (4) identification of wetland mitigation areas, if any; (5) specification of adequate setbacks from habitat areas; and (6) specific monitoring and maintenance requirements for mitigation plans.

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Ms. Laurie Mitchel
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RECOMMENDED ALTERNATIVE GREENWAY PROGRAM

To assist the County in implementing protection of public trust resources of sovereign and public trust lands, it is suggested that the County incorporate the following goals and policies and implementation plan into its General Plan Update when developing the recreation plans for the East and West Walker Rivers, and Owens River and other feasible waterways.

Riverfront Greenway Goal.

1. To protect, restore and maintain riparian vegetation; and
2. To provide Public Trust uses, including recreational and public access, compatible with riparian habitat.

Policies

1. Visual corridors of the river will be protected and enhanced.
2. Visual corridors and access points on the riverfront will be recreated through development.
3. Public access points and linear foot and bike paths will be incorporated into residential development.
4. Riverfront vegetation will be consistent with riparian habitat zones.
5. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (e.g. nature education and research, fishing and habitat protection).
6. The scenic resources of Public Trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with Public Trust lands and resources.

Implementation. There shall be a Riverfront Greenway Plan whose design elements shall include:

1. a riparian protection, restoration and maintenance plan
2. a Riverfront Greenway trail element identifying access points and interconnection with _____ Plan pathway program;
3. dedication requirements to guarantee access is permanent (e.g. dedication of fee, easement, or deed restriction);

Ms. Carol Whiteside
Ms. Laurie Mitchel
September 24, 1992
Page 6

4. a maintenance and operations element specifying how trails and accessways shall be maintained and operated and by what agency;
5. a trail/accessway standards element specifying standards including minimum width of trails, trail surface, etc. consistent with state and federal law and state standards.

Many of the proposed goals and policies for the Riverfront Greenway Program are included in the General Plan already, although they are not in one separate section of the document.

For further information, please contact me at 916/327-4035.

Sincerely,

ELIZABETH PATTERSON
Resource Planning and Analysis Unit
Division of Environmental
Planning and Management

cc: Dwight E. Sanders
OPR

bcc: Mike Valentine
Betty Eubanks
Dorothy Walker

Department of Water and Power the City of Los Angeles

TOM BRADLEY
Mayer

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October 30, 1992

Mr. Scott Burns, Planning Director
Mono County Planning Department
P.O. Box 8
Bridgeport, CA 93517

Dear Mr. Burns:

Mono County General Plan Update
Draft Environmental Impact Report (DEIR) and
Master Environmental Assessment (MEA)

This Past August, our office received a copy of the draft Mono County General Plan and the accompanying DEIR and MEA. The documents were accidentally misplaced and were discovered only today--the last day of the public comment period. Staff has made a cursory review of the DEIR and MEA and offer the following comments (primarily to bring certain subjects to your attention which we feel are deserving of a more detailed discussion prior to any final decisions).

Draft Environmental Impact Report

Page xi - Item 10:

Please explain the County's role in "phasing out" grazing on City of Los Angeles ranch lands.

Item 10 on page xi, which reads "Minimize impacts of grazing livestock on water quality; consider phasing out grazing in areas where it conflicts with fisheries" is not intended solely for City of Los Angeles ranch lands. It pertains to private lands throughout the unincorporated area of the county. Any efforts to minimize the impacts of grazing, including considering phasing out grazing, would be cooperative efforts with the affected landowner, the county, and applicable state and federal resource management agencies.

Page xiii - Items 6,7,and 12

The Department has considerable expertise in the monitoring, protection and recovery of threatened, endangered, and sensitive species of plants and animals. Would the County's role in "protecting" such species include City of Los Angeles-owned lands? Also, please explain what is meant by Item 12 "ensure access to irrigation facilities for agricultural properties."

The county has planning authority over lands owned by the City of Los Angeles. Any efforts to protect threatened, endangered and/or sensitive plant or animal species would again be cooperative efforts with the affected landowner, the county, and appropriate resource management agencies.

Item 12, "Ensure access to irrigation facilities for agricultural properties", is intended to ensure that, as subdivision occurs, provisions are included to allow for necessary access to irrigation facilities by irrigators for operation and maintenance purposes.

Page 34 - Potential Impact 3:

As a result of on-going studies in Long Valley, a representative of the Lahontan Regional Water Quality Control Board stated that there is not much available information that could relate water quality to cattle grazing. While it is acknowledged that grazing, if not properly managed, could pose a potential threat to water quality, we are not aware of any documentation which demonstrates this cause-and-effect relationship from use of Department property.

Comment noted. Potential Impact 3 on page 34 addresses threats to water quality from a variety of uses and practices, including grazing. It is not specifically addressing City of Los Angeles lands, but private lands throughout the county.

Page 42 - Potential Impact 5:

We believe grazing on City of Los Angeles is properly managed; however, this past July approximately 500 acres on lower McGee and Convict Creeks were involved in a range and riparian fencing project aimed at enhancing and monitoring range and riparian habitat improvement. We believe such improvements in the grazing management practices on the Department's ranch leases should be acknowledged.

The Grazing section of the Issues/Opportunities/Constraints section of the Conservation/Open Space Element has been amended to include information concerning improvements in the grazing management practices on the Department's ranch leases.

Draft Master Environmental Assessment

Page 16:

Please explain the statement that the Department of Water and Power is subject to all County, State, and Federal land use policies and regulations. Specifically, what is meant by "policies" ? Should this read "rules and regulations"?

Mr. Scott Burns

- 3 -

October 30, 1992

"Policies" refers to the goals, objectives, policies and action items in the county's general plan and area plans. City of Los Angeles lands being administered by the Department of Water and Power are subject to these policies as well as to county, state and federal land use regulations. County regulations would include the zoning code and other applicable county ordinances. An example of state and federal regulations would be the U.S. Army Corps of Engineers regulations concerning development in wetlands.

Page 129 (first full paragraph):
We disagree that the department's diversions caused the disintegration of much of the historical ranching and farming activity in Mono County. Are there data to support this statement?

It is generally accepted that the diversion of water from Mono County by DWP contributed to the decline of ranching and farming in the area, particularly farming. The sentence has been changed to read "DWP's water diversion program contributed to the disintegration of much of the historical ranching and farming activity in the central and southern portions of Mono County".

Page 176: The discussion on impacts to Mono Lake (e.g., the demise of Mono Lake) is not entirely factual. Recent years have seen record numbers of gull chicks produced at Mono Lake and no decline in brine shrimp populations. Recent Court orders for minimum lake level and tributary stream recovery projects should be included in this discussion, as the "predictions" of future impacts related to lowering lake levels, etc., are no longer valid.

The section on Mono Basin Hydrology has been updated to reflect the current legal, ecological and management situation.

Page 179 The discussion on the Owens River Gorge is outdated, as there is an on-going project for the rewatering of the Gorge and restoration of the fishery. This should be discussed.

The section on the Owens River Gorge has been updated to reflect the current legal, ecological and management situation.

Thank you for this opportunity to comment on these documents. We will continue our review of these documents and would be pleased to provide additional comments on the General Plan at a future date, if appropriate. If you have any questions, please contact Mr. Lloyd Anderson, our Land and Resource Manager, at (619) 872-1104.

Sincerely,

GLENN C. SINGLEY
Assistant Northern District Engineer
Los Angeles Aqueduct Division

cc: Mr. Lloyd Anderson

Ellen Hardebeck
Control Officer

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

**157 Short St. Suite #6 - Bishop, CA 93514
(619) 872-8211**

October 28, 1992

Ms. Laurie Mitchel
Mono County Planning Department
South County Offices, HCR 79
P.O. Box 221
Mammoth Lakes, California 93546

RE: Mono County General Plan

Dear Ms. Mitchel:

This letter is to follow-up our phone conversation this morning. I am sorry that my comments appear to be a late hit, but our agency did not receive a copy of the draft General Plan or a request for comments. Copies that are sent to the State are generally not sent to the District, which is not a State agency. Sally Miller at the Mono Lake Committee made me aware of the contents of the General Plan. As I stated in our conversation, much has happened since 1988 which has made the air quality section outdated. There are five major updates that I believe should be discussed in the general plan:

- 1) In late 1990, the District and the Town of Mammoth Lakes adopted an air quality plan for PM-10. Although the elements of the air quality plan only affect sources in the Town, the federal non-attainment area extends beyond the town boundary and may have implications for new sources. I have enclosed a copy of the plan.
- 2) In 1991, the State designated Mono County as a non-attainment area for the State ozone standard. The District adopted an Ozone attainment plan which identifies Mono County as an ozone transport area. This document is enclosed.
- 3) In August 1991, based on violations of the National Ambient Air Quality Standard for PM-10, the State requested that Mono Basin be designated as a federal non-attainment area for PM-10. The U.S. EPA has indicated that it will proceed with the redesignation process. Final designation should occur in early 1993.
- 4) Recent monitoring for hydrogen sulfide (H₂S) near the Casa Diablo geothermal area indicates elevated concentrations that may exceed the State standard. A new H₂S monitor site has been proposed for the Mono County Sheriff's substation. Report is enclosed.

Mono General Plan
October 28, 1992
Page 2 of 2

- 5) New air quality data is available for the Town of Mammoth Lakes and the Mono Basin.

The Air Quality Section of the Master Environmental Assessment (MEA) has been amended to include the information provided in the first four items above. The air quality data will be updated when the county obtains the new information.

I hope that you find this information to be helpful. Our staff would be glad to work with you to provide additional documentation to help you update the air quality section of the Plan. Please send me a copy of the Draft General Plan and call me if you would like additional information.

Sincerely,

Duane M. Ono
Deputy Air Pollution Control Officer

Enclosures

cc: Sally Miller, MLC (w/o enclosures)

Box 59
Benton, California 93512

Oct 29, 1992

County of Mono
South County Planning Office
HCR 79, Box 221
Mammoth Lakes, CA 93546-0221

Dear Mr. Burns:

We apologize for waiting until the last minute to provide comments on the Mono County General Plan Update, however, it is hoped that you will accept and incorporate our thoughts into the final plan.

For more than 60 years, our family has owned and managed property known as Benton. Currently, Mono County and area residents refer to our property as Benton Hot Springs or Old Benton, as somewhere between 1965 and 1970 it seems the town of Benton moved about 3 miles to the east. The place you have labelled as Benton is actually Benton Station, the historical railroad station that served the town of Benton during the late 1800's. Benton is the oldest town in Mono County and during its peak had more than 2,000 residents. It is a crime that insensitive residents and government officials have permitted Benton's identity to be eroded. Regardless, our historic town is Benton, not Benton Hot Springs, Old Benton, or anything else. To you, this might not seem like a very important issue, but consider the reaction you and others in this county would have if Inyo County decided to adopt Mono County's name.

While we appreciate Mono County's effort to protect the value of our land though designating our entire property as "Estate Residential", we feel the land use designation is inappropriate for much of our property. We would encourage you to consider applying the land use designations as shown on the attached map. Our proposed designations reflect the historic and existing uses, need for preservation of open space values, and our desired future state.

Of critical importance to us is the preservation of our historic features associated with Benton, particularly the historic buildings, wagons, equipment, and other items. We have preserved these values to the best of our ability through generations that did not appreciate them. We have guarded them from outright destruction, from potential owners that would have sold or removed them, and even from government officials that have insisted we modify, change, or remove them. It is satisfying to see that the time has finally come when people and agencies recognize the historic values of these properties, the same properties considered only a few years ago to be "trash" and "sub-standard facilities". It is our personal commitment, as it has been for many years, to continue to protect and preserve these historic features. In fact, our long term goal is to make some of these historic features available to visitors for cultural appreciation purposes. In order to accomplish this, we will need the understanding and support of Mono County. We must be able to develop uses and continue to offer public services that are compatible with the historic preservation of Benton in order to justify and financially support our historic preservation commitment. Therefore, we ask that you add to your cultural resource management policies in the General Plan an action item to, "Actively participate with interested owners of cultural properties to further protect, restore, and preserve such properties, and promote appropriate uses (including

compatible businesses and visitor access) in order to support and financially sustain these values." If Mono County would commit to work with us on this matter in a sincere and fair manner, we could accomplish a great deal. It **would help if Mono County could waiver fees and offer staff assistance on work that contributes to preservation of our historic features or helps us with developing compatible businesses to help sustain the historic properties.**

The suggested additional action item in the previous paragraph is already contained in several action items in the Cultural Resources section of the Conservation/Open Space Element. Other changes have also been made to the Land Use Element to reflect your interest in the historic preservation of Benton. In addition, a set of land use policies for the Benton Hot Springs area has been added to the Land Use Element.

The majority of Benton's historic properties are centered around the main street of town. Mixed throughout this area are residences, agriculture uses, recreational activities, and our commercial businesses. We also have a motel and old hotel that are historic uses. Hence, we are recommending that the "Mixed Use" land use designation be applied to this area of our property. Your current "Estate Residential" designation does not recognize the existing commercial, recreational, or lodging uses, nor does it allow for us to develop small-scale retail operations, food services, recreational, or visitor use businesses compatible with and in support of Benton's historical preservation.

A second major concern we have with the "Estate Residential" land use designation is that it is inappropriate for our meadow and agricultural lands. We have developed ponds and maintained meadows for livestock, recreation, and wildlife uses for more than 50 years. These open space values should be maintained and preserved. We would not consider allowing these lands to be used for residential purposes or other incompatible development. These lands should be given an "Agriculture" designation. While our intent is compatible with much of the "Open Space" designation, we would oppose any forced restrictions that might result. These lands have been managed for more than 100 years by private landowners who have been able to retain the open space character without any restrictions and we are committed to continue this management into the future without being directed to by anyone. We would appreciate the maximum flexibility and discretion to continue to manage these lands for grazing, wildlife, visual, recreation, and various agricultural purposes compatible with retaining the open space character. Farm equipment storage, green-houses (utilizing the hot water for heating), fish ponds, and garages are critical for our future operations but can be consolidated and located to minimize visual impairments.

Benton property suitable for "Estate Residential" land use designation would be developed only if we are unable to pay property or estate taxes or maintain a viable income from agriculture and/or recreational, lodging, and retail commercial businesses previously discussed.

At this point, you are probably wondering if we fully understand what development options might exist for Benton or what property values we might expect if we were interested in selling to allow for development. It's not that we have lived isolated for so long that we don't recognize our development possibilities, instead it is that we have lived long enough with Benton that we believe we understand its significance and true

place in the scheme of things. We hope that Mono County will work with us to achieve these goals for Benton.

The proposed changes in land use designations discussed in this letter have been addressed by amending the land use maps for the Benton Hot Springs area in the Land Use Element. In addition, land use policies for the Benton Hot Springs area have been added to the Land Use Element.

Sincerely,

Wales G. Bramlette

MaBelle V. Bramlette

William W. Bramlette

VI. RESPONSE TO COMMENTS

PERSONAL COMMENTS/CONCERNS ABOUT THE MONO COUNTY GENERAL PLAN BY GEORGIA FULSTONE

SWAUGER CREEK/DEVILS GATE PLANNING ADVISORY COMMITTEE CONSISTS OF ONLY THREE PEOPLE WHO COLLECTIVELY ONLY OWN 120 ACRES OF LAND IN THE SWAUGER CREEK AREA AND YET THEY CLAIM TO REPRESENT OVER 4400 ACRES OF PRIVATE LAND SOME OF WHICH APPEARS TO BE CONNECTED BUT ACTUALLY CAN NOT BE SEEN DUE TO A MOUNTAIN RIDGE. RICHARD, STEVEN, GEORGIA AND ELISE FULSTONE WENT TO TWO OF THE COMMITTEE MEETINGS BUT WERE NEVER INFORMED OF ANY MORE MEETINGS AND THERE FORE HAD NO INPUT INTO THEIR PLAN WHICH WAS PRESENTED TO THE PLANNING COMMISSION AS REPRESENTING THE PEOPLE OF THAT AREA. THEY DO NOT SPEAK FOR THE MAJORITY OF THE PRIVATE LAND IN THE PLANNING AREA. THE HUNTOON VALLEY, MACK AND HARVEY CREEK AREA IS A LARGE PRIVATELY HELD AREA AND WE HAVE NOT HAD ANY SAY IN MAKING UP THE PLAN THAT THE ADVISORY COMMITTEE HAS COME FORTH WITH. WITH THIS SAID, WE HAVE THE FOLLOWING COMMENTS TO MAKE REGARDING THE MONO COUNTY GENERAL PLAN AND HOW IT WOULD PERTAIN TO OUR HIGH MOUNTAIN RANGE COUNTRY IN THE SIERRA BLANCA GRAZING ALLOTMENT AND IN THE BODIE HILLS WHERE WE PERSONALLY HAVE OVER 3000 ACRES OF PRIVATE PROPERTY.

Comments noted.

THE SCENIC VIEW SHOULD ONLY GO FOR 1000 FEET OFF OF THE HIGHWAY AND NOT AS "FAR AS THE EYE CAN SEE". AS THIS WAS TAKEN INTO CONSIDERATION BY THE AREA PLANNING GROUP, THOUSANDS OF PRIVATE ACRES WOULD NOT BE ALLOWED TO BE BUILT ON AND THIS WOULD CONSTITUTE "TAKINGS", SOMETHING THAT THE SUPREME COURT OF THE UNITED STATES HAS RULED UNLAWFUL.

The Scenic Corridor along the highway extends 1000 feet, not "as far as the eye can see".

SOMEWHERE IN THE DRAFT REQUIREMENTS FOR THE DEVILS GATE/SWAUGER CREEK PLANNING AREA, THE PLANNING GROUP SAID THAT IF YOU CAN SEE 50% OF THE PARCEL FROM THE SCENIC VIEW CORRIDOR, IT WOULD TAKE 80 ACRES TO BUILD ON INSTEAD OF THE PROPOSED 20 AND 40 ACRE PARCELS. THIS SHOULD NOT BE ALLOWED AS LONG AS THE BUILDING FALLS WITHIN THE COUNTY'S GUIDELINES FOR BUILDING IN THE VIEW AREA. THE ZONING REGULATIONS PLUS TOPOGRAPHY SHOULD BE THE FINAL DETERMINATION FOR EACH PARCELING. WE BELIEVE THAT 20 ACRES PER PARCEL IN THE LOWER RANGE AND 40 ACRES PER PARCEL FOR THE UPPER RANGE IS APPROPRIATE AND THIS IS WHAT THE COUNTY HAS PROPOSED FOR THE DEVILS GATE/SWAUGER CREEK AREA SO WHY THE DIFFERENCE WHEN CONSIDERING THE HUNTOON/MACK CREEK/MURPHY CREEK AREA?

Action 2.3 under Objective B states that "parcels identified as having greater than 50 percent of their area within an open viewshed should be restricted to a minimum lot size of 80 acres". A previous action item addresses identifying open viewsheds. The Huntoon/Mack Creek/Murphy Creek area has been designated Resource Management (RM) in the Draft General Plan Update, which allows for one dwelling unit per 40 acres.

The 20 acre parcel size has been applied to reflect existing parcel patterns. In general, countywide, lands outside of existing developed areas have been

MONO COUNTY GENERAL PLAN EIR

assigned a minimum lot size of 40 acres with one dwelling unit per 40 acres. Higher intensity uses may be allowed in such areas, subject to a Specific Plan.

WHAT ARE THE TAHOE BASIN AIR STANDARDS? WOULD THIS ALLOW PLANNED AREA BURNING FOR BETTER LIVESTOCK/WILDLIFE FORAGE? CONTROLLED BURNS ARE STANDARD OPERATING PROCEDURES FOR THE BLM AND USFS AND SHOULD BE ALLOWED IN THE HUNTOON VALLEY, MACK CANYON AND HARVEY CREEK AREAS.

Comment noted. The policies in the General Plan apply only to private lands and would not affect controlled burns on lands managed by the BLM or USFS.

WE DO NOT FEEL THAT SNOWMOBILES SHOULD BE ALLOWED ON PRIVATE PROPERTY, PERIOD!!! THIS GOES FOR HORSEBACK RIDING, HUNTING, FISHING AND ALL OTHER ACTIVITIES. PRIVATE PROPERTY MUST BE RESPECTED AND PERMISSION GRANTED TO USE IT.

The Swauger/Devil's Gate Planning Group, at its meeting on Nov. 20, 1992, amended Action 3.3 to limit snowmobile use to existing roads.

II-53 OBJECTIVE E, ACTION 1.1 SHOULD BE CHANGED FROM "SHALL" TO "MAY" AND SHOULD BE ENCOURAGED BUT NOT REQUIRED.

The Swauger/Devil's Gate Planning Group, at its meeting on Nov. 20, 1992, amended Action 1.1 to read "All residential parcels shall be mapped for solar access sites".

II-54 OBJECTIVE F POLICY 1 APPEARS TO BE FORCING RIGHTS OF WAYS THROUGH PRIVATE PROPERTY. IS THAT A "TAKINGS"?

Comment noted. It should be noted that, according to County Counsel, takings is a legal issue which does not need to be addressed in a General Plan or General Plan EIR.

II-54 ACTION 2.1 UNDER POLICY 2 PROMOTING THE SAFETY OF AREA RESIDENTS AND VISITORS. THIS ACTION WOULD PROHIBIT HUNTING IN A PART OF THE SWAUGER CREEK/DEVILS GATE AREA WHICH HAS NO DWELLINGS AND IS OVER A MOUNTAINOUS HILL FROM UPPER SWAUGER CREEK WHERE THE THREE MEMBERS OF THE PLANNING GROUP LIVE. THEY WOULD BE OUT OF SIGHT AND SOUND FROM THE ACTIVITY WHICH THEY WOULD LIKE TO PROHIBIT. WE FEEL THAT UNTIL AN AREA IS DEVELOPED, THERE IS NO REASON NOT TO ALLOW HUNTING AND THE USE OF FIREARMS DISCHARGING AS LONG AS PERMISSION IS GRANTED BY THE PRIVATE LAND OWNERS.

The Swauger/Devil's Gate Planning Group, at its meeting on Nov. 20, 1992, amended Action 2.1 under Objective F to read "Consider amending Chapter 10.64, Firearm Discharge, of the Mono County Code to include private lands in the residential portion (i.e. Swauger Canyon) of the Swauger Creek/Devil's Gate Planning Area as a prohibited area for firearms discharge".

V-3. #3 ELUDES TO THE FACT THAT THE WALKER RIVER IRRIGATION DISTRICT HAS BEEN GRAZING SOME OF THEIR PRIVATE PROPERTY AND THIS HAS CAUSED DEGRADATION OF THE RESOURCE. IT IS MY UNDERSTANDING THAT MOST OF THE PROPERTY THAT THE W.R.I.D. OWNS IS UNDER THE RESERVOIR AND ONLY A SMALL

AMOUNT OF LAND, AS THE WATER RECEDES, IS GRAZED EACH YEAR WITHOUT ANY DAMAGE BEING DONE TO THE AREA.

Comment noted.

V-4, #3 CLAIMS THAT TROUT FISHING HAS BEEN NEGATIVELY IMPACTED BY LIVESTOCK GRAZING, WATER DIVERSIONS AND IMPROPERLY OR INADEQUATELY APPLIED EROSION CONTROL MEASURES. IT IS OUR UNDERSTANDING THAT THERE WOULD BE NO RESERVOIR HAD THE RANCHERS AND FARMERS NOT BUILT IT BACK IN THE EARLY 1920'S AND THAT ALMOST EVERY YEAR THE EAST AND WEST WALKER RIVERS WOULD DRY UP TO SUCH A DEGREE THAT TROUT FISHING COULD NOT HAVE BEEN SUSTAINED. THE FISHING HAS ONLY GOTTEN BETTER SINCE THE RESERVOIRS WERE BUILT AND THE FLOW DOWN THE RIVERS MAINTAINED.

Comment noted.

V-4 #4 AND #5 ELUDES TO THE CUMULATIVE IMPACTS OF DEVELOPMENT ON DEER HERDS AND WE FEEL THAT THERE ARE MORE DEER IN THE AREA TODAY THAN EVER BEFORE. THEY ARE PROTECTED TOO MUCH AND SHOULD BE CULLED BY THE FISH AND GAME USING HUNTING PERMIT METHODS. THE ANTELOPE IN THE BODIE HILLS PLANTED MANY YEARS AGO AND NEVER HUNTED ARE GROWING BY LEAPS AND BOUNDS. WHEN IS THE FISH AND GAME GOING TO OPEN THEM UP FOR A HUNTING SEASON? WHEN IS THE FISH AND GAME GOING TO HELP THE BLM/USFS AND THE LIVESTOCK GRAZER TO IMPROVE THE RANGES? SO FAR IT IS THE RANCHERS THAT HAVE DONE ALL THE RANGE IMPROVING AND THE WILDLIFE HAS PROSPERED BY IT! WILDLIFE NUMBERS MUST BE CONTROLLED THROUGH HUNTING PERMITS AS ARE LIVESTOCK GRAZING NUMBERS CONTROLLED. LOOK WHAT HAS HAPPENED TO THE LAND WITH THE PROLIFERATION OF WILD HORSES. THEY LITERALLY HAVE DESTROYED SOME RANGES.

Comment noted.

V-6 #1 IS THE COUNTY THINKING OF REGULATING GRAZING ON PRIVATE LANDS?

The General Plan does not propose to regulate grazing on private lands.

V-13, ACTION 3.1 DOES NOT ALLOW PRIVATE OWNERS THE RIGHT TO USE THEIR PROPERTY TO THE HIGHEST AND BEST USE. THUS THIS BECOMES "TAKING".

Action 3.1 does not prohibit the conversion of agricultural lands to other uses; its intention is to avoid such conversions in general.

V-13, POLICY 4 THE WALKER RIVER IRRIGATION DISTRICT PROPERTY IS PRIVATE AND ALL LAND DESIGNATED "OS" AND/OR "A" WOULD BE "TAKING" AND UNFAIR ESPECIALLY SINCE YOU HAVE ALLOWED OTHER DEVELOPMENTS TO GROW AROUND THE RESERVOIR.

Comment noted. It is our understanding that the WRID is a public agency. Open Space and Agricultural zoning districts do not preclude development. As an example, OS zoning allows recreational development subject to a use permit.

V-15 "RESTORE" WILDLIFE HABITATS? ARE YOU CREATING NEW ONES AT THE EXPENSE OF THE RIGHTS OF THE PRIVATE LAND OWNERS?

No. Restore refers to improving degraded habitat.

MONO COUNTY GENERAL PLAN EIR

V-32, POLICY 1 SEEMS TO CONTRADICT OTHER AREAS IN THE PLAN!

See previous comment on conversion of agricultural lands.

V-62, POLICY 4 SAYS THAT SCENIC AREAS SHOULD BE IN PUBLIC OWNERSHIP. DOES THAT MEAN THE COUNTY WOULD BE WILLING TO PURCHASE THAT PROPERTY? IS THE COUNTY SAYING THAT THEY WANT TO TAKE THAT PRIVATE PROPERTY? THIS MAY BE A GOOD PLAN, PROVIDED THE PRICE IS A FAIR ONE TO THE PRIVATE PROPERTY OWNERS AND THEY ARE WILLING TO SELL.

As the Action items associated with Policy 4 indicate, the intent is to transfer ownership of scenic lands either to federal or state land management agencies or to private land conservation organizations.

V-63, FOOTNOTE: DOES A SCENIC HIGHWAY PROTECT FOR ONLY 1000 FEET (AS I HAVE BEEN LEAD TO BELIEVE) OR "AS FAR AS THE EYE CAN SEE"?

As presently specified in the Mono County Zoning and Development Code, a scenic highways projects for 1000 feet.

Georgia Fulstone, Box 61 , Smith, NV 89430

November 11, 1992

Scott Burns
Laurie Mitchel
Mono County Planning Department
HCR 79 Box 221
Mammoth Lakes, CA 93546

Dear Mr. Burns and Ms. Mitchel:

My wife and I currently own and reside on a 94 acre parcel (Assessors Parcel #24-070-13) located approximately 1 mile west of Benton on State Highway 120. During the past year we have noticed a considerable amount of recreational vehicle traffic on Highway 120. As a result we have become interested in establishing a small Recreational Vehicle Park on our property. In reviewing the draft of the general plan, we note that Objective "C" of the Land Use Element states "Provide adequate commercial facilities to serve visitors and residents in the Tri Valley." Under Objective "C" Policy 1 states "Designate adequate lands along Hwys 6 and 120 in Benton and Chalfant for small-scale commercial uses which serve the communities", and Policy 4 states "In Benton, encourage the establishment of commercial enterprises oriented towards providing services to highway travelers". Finally we see that the Rural Resort (RU) Land Use District allows recreational vehicle parks as a permitted use with a minimum parcel size of 5 acres.

In summary, it appears that the draft general plan provides policies that will allow us to create a recreational park on our property. Therefore we would like to request that the westerly 10-15 acres of our property be designated as Rural Resort (RU). In addition, please assist us and advise us of any other additional changes that might be required for us to accomplish our objective.

Thanks very much for your help and assistance in this matter.

Sincerely,

Susan Hill
Richard Hill

Comment noted. Your request will be presented for consideration by the Planning Commission and Board of Supervisors at the public hearings on the adoption of the General Plan Update.

October 19, 1992

Mono County Planning Commission

Dear Board Members,

This letter has to do with the May 1992 draft of the Mono County General Plan. As stated in my letter of October 14, 1992 concerning the proposed new zoning designations for Mono County, we want our property to remain General Purpose; however, if there is a State or Federal Law saying that this is no longer possible, then we want the following zoning designations for the property that we own in Mono County--thereby retaining the value of the property that we have been paying taxes on to Mono County for years:

Evans Tract Area:

My husband and I (David E. and Jan K. Huggans) own a three acre parcel and my son David G. Huggans owns a one acre parcel just past the Chalet Motel in Bridgeport (see attached map). David G. Huggans plans on building a home soon on his one acre parcel as do we on our three acre parcel. We both want to run our businesses out of our homes and had bought this property with that intention. Therefore, we want the zoning designation to be Commercial for these two parcels.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

It should be noted that the General Plan assigns a Land Use Designation to each parcel. Corresponding zoning will be assigned once the General Plan is adopted. The land use designation specifies the type and intensity of use allowed on the parcel. The zoning district contains development standards which specify how the allowable uses can be developed.

Virginia Lakes:

My husband, myself and our five children own 120 acres at Virginia Lakes. Also, my oldest three children (including David G. Huggans) own a 30.14 acre parcel at Virginia Lakes (see attached map). These parcels are located right across the road from an area designated Large Lot Residential. We want our 120 acre and 30.14 acre parcels designated Large Lot Residential.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

Bodie:

My husband and I (David E. and Jan K. Huggans) own 787.68 acres in the Bodie Hills (see attached map). We want the zoning designation for

MONO COUNTY GENERAL PLAN EIR

these parcels to be Rural Resort. Murphy Spring is especially ideal for the Rural Resort zoning designation.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

Thank you,

Jan K. Huggans
David E. Huggans
David G. Huggans

P.O. Box 597
Bridgeport, CA 93517

Copy to: Mr. Bill Reid
Mono Co. Supervisor

October 30, 1992

Mono County Planning Commission

Dear Board Members,

This letter contains comments on the Mono County General Plan Draft of May 1992. My first reaction was why the new zoning designations when we already have a workable plan now? I feel that our present zoning is adequate and should remain in place. I strongly object to the composition of the Bridgeport Advisory Committee--one member has been gone from the area for the last two years (Bill Hartline), another member has been gone from the area for one year (Russ McJunkin), and a third member will be transferring out of our area soon (Bill VanBruggen). No member on the Committee is a large land owner in the Bridgeport area. No local contractors or people in the building trade were represented on this committee; nor, were there representatives of the local real estate businesses on this committee. Therefore, a real and true representation of the local people of Bridgeport was missing on this committee whose comments were incorporated into this Draft. The tone of the Goal for Bridgeport Valley on page II-55 is a real concern for those of us in the construction business and related industries--extremely anti-growth. I feel there should be a more balanced approach. The Bridgeport area has not grown that much in the past and I don't vision a whole lot of future growth for various reasons--including climate and lack of industry. However, it certainly would be better for our local economy to allow for some growth in the future. After all, some of us have children who eventually would like to live here. Let's hope that their dreams will be realized and that they will be able to obtain land in the future to build a home of their own.

Comments noted. The existing General Plan contains no directives specific to Bridgeport community planning. The land use policies pertaining to Bridgeport in the Draft General Plan Update are intended to provide direction for Bridgeport's community development. Proposed changes to land use designations are intended to reflect the proposed Bridgeport land use policies.

Sincerely,

Jan K. Huggans

D.E. Huggans

Copy to: Mr. Bill Reid
Mono Co. Supervisor

Oct. 30, 1992

Mono County Planning Commission

Dear Board Members,

In regards to my letter of Oct. 19, 1992, I would like to clarify our request for LLR Zone Designation for our 120 acre and 30.14 acre parcels at Virginia Lakes. We would like the minimum lot size to be five (5) acres--the same building intensity for LLR stated in the May 1992 Draft on page II-119. This is the same designation given to the land directly across the road from our property at Virginia Lakes.

Comment noted. Your request will be presented for consideration by the Planning Commission and Board of Supervisors at the public hearings on the adoption of the General Plan Update.

Thank you,

Jan K. Huggans
D.E. Huggans

Copy to: Mr. Bill Reid
Mono Co. Supervisor

Rt. 2 Box 350
Bishop, Ca. 93514
619-387-2218
October 23,1992

Mono County Planning Dept.
HCR 79 Box 221
Mammoth Lakes, Ca. 93546
Mr. Scott Burns

Dear Scott,

We would like to see the following changes included in the Wheeler Crest Area Land use policies in the Mono County General Plan Update.

We believe that Policy 3, Action 3.1 and 3.2; p.11-80, should be amended to allow Bed and Breakfast Establishments on Parcels of 100 acres or greater, if designed to be compatible with existing residential uses. We feel that Bed and Breakfast establishments constructed in conformance with the above standards would be consistent with Policy 3, which calls for retaining the rural residential character of the entire study area.

We'd like you to know that we are also in the process of gathering signatures from the neighbors.

We would appreciate being notified of any future Public Hearings on the Mono County General Plan.

If you have any questions please do not hesitate to call.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the General Plan Update adoption.

Thank you for your time,

Bob and Lee Naylor

MONO COUNTY GENERAL PLAN EIR

December 15, 1992

Scott Burns
Laurie Mitchel
Mono County Planning Department
P.O. Box 1609
Mammoth Lakes, CA 93546

RE: General Plan Update for the Hilton Creek Area.

Dear Mr. Burns & Ms. Mitchel:

I am the owner of Assessors Parcel No. 60-180-09 having an area of 1.0 acres and an existing R-3 zoning. In addition my property has an existing 2-story duplex unit.

The General Plan update is presently proposing to change my Land Use designation from Moderate Residential (MR) to Low Density Residential (LR). This will ultimately result in down zoning my property from the existing R-3 to R-1 and make my existing duplex a "nonconforming use". The General Plan update also proposes to designate property which adjoins my property as Mixed Use (MU) which permits a wide variety of commercial and high density residential uses.

In consideration of these facts (my existing duplex and the proposal to designate property adjoining mine as MU), I believe it is not appropriate to change my land use to low density residential. My property provides a natural transition or "buffer" between commercial use to the north and low density residential to the south. Furthermore I do not want my duplex to become a nonconforming use.

Please consider including my property within the proposed MU land use area. The proposed boundary line of the MU area could easily be changed to include my property.

Thank you for your consideration of this matter.

Sincerely,

Marshelle Wells

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the General Plan Update adoption.

california state park rangers association

p.o. box 292010,sacramento, ca 95829-2010 (916) 383-2530

October 31, 1992

Mr. Scott Burns, Planning Director
Mono County Planning Department
P.O. Box 8
Bridgeport, CA 93517

Sent FAX to (619) 932-7145

Dear Mr. Burns:

1992 Mono County General Plan Update and DEIR
SCH #910320012

The California State Park Rangers Association would like to submit comments on Mono County's 1992 General Plan (GP) Update, Master Environmental Assessment (MEA) and Draft Environmental Impact Report (DEIR). As a statewide professional organization of State Park System employees, we have a strong interest in the land use policies and plans affecting the two state parks in Mono County, Mono Lake Tufa State Reserve and Bodie State Historic Park. As you know, we have been particularly involved recently in efforts to protect Bodie from modern mining activities adjacent to the park. Thank you for giving full consideration to our comments.

Before getting into specific items, we have a few over-riding remarks. First, the plan is to be commended for its strengths in several areas. We agree with the strong emphasis placed on retaining recreational values and open space preservation. The recognition of the county's superb visual resources is another area in which the plan excels. There is good recognition of the importance of the tourist industry to the county and a realistic discussion of both the challenges and opportunities tourism provides.

Second, we have a concern that there is uneven treatment within the various elements in that some show much more detailed analysis and specificity of proposed policies and actions. For example, we find far more comprehensive discussion of topics like seismic safety and water quality while cultural resources are addressed only superficially. In our specific comments below we suggest several improvements to enhance the acknowledgment of cultural resources but we hope that staff can look for additional ways to strengthen these sections. There are other areas where we find vagueness and lack of specificity: we offer specific comments below.

Comments noted.

Third, throughout all three documents, there need to be more direct references to Bodie and protection of its values-esthetics, noise, recreation, cultural, visual, open space, air quality, etc. Bodie was not given any special recognition as a cultural resource. Nor was mention made that its status as a recreational and historic resource could in any way be jeopardized by "conflicting" land use activities. Since there was no recognition

given to any California Department of Parks and Recreation (DPR) planning documents, it implies that DPR plans were not considered.

Comments noted. DPR plans were inadvertently deleted from the References section; they were indeed considered in the plan. The Draft Plan envisions "special recognition" being given to Bodie through an Area and/or Specific plan for the Bodie vicinity. Consistent with the draft plan, the Board of Supervisors recently initiated an area plan process for Bodie, which it intends to coordinate with the plans of other land managers in the area, i.e. the BLM and the State Department of Parks and Recreation.

Fourth, the GP repeatedly proposes actions that are required to bring the county into compliance with existing state and federal laws, without acknowledging that these are legally mandated, minimal compliance actions. To the uninformed reader, it appears that the county is making great strides when, in fact, it is merely agreeing to do that which is legally required. In many instances, stronger actions are called for. Examples include cultural resources, mineral resources, hazardous waste management, and air quality.

Comments noted. The General Plan draft has purposely proposed actions to reflect existing laws to better integrate the federal, state, and local permit processes, as well as to avoid regulatory redundancy and excessive bureaucracy. In many instances, stronger actions are included.

Fifth, our specific comments below address the GP and MEA. It is our assumption that changes made to these two draft documents will necessitate appropriate revisions to the DEIR. We did not comment on the specific portions of the DEIR which we believe need to be corrected.

Comments on Draft General Plan

Land Use Element

II-5 Under the discussion of "Countywide Issues/Opportunities/Constraints" the statement is made: "The present trend towards separation of jobs and housing could be affected in the future by the development of additional ski areas of other large scale development, such as mining." What follows is a discussion of the possible housing impacts of additional ski development. This is not analogous to the housing needs of a short-lived, year-round largescale industrial development, such as mining. A discussion of mine-related housing and other community development needs should be provided.

Item 3 on page II-5 identifies an issue that needs to be addressed when considering future development proposals, i.e. separation of jobs and housing. As stated in the text, the discussion of the possible housing impacts from additional ski development is only an example; it is not possible in the General Plan to discuss potential impacts from every possible type of future development. A full discussion of housing impacts relating to specific types of future development would be included in the EIR for that development.

II-29 Objective A -- Add "cultural" to "scenic, agricultural, natural, and recreational resources."

Objective A has been amended as suggested.

II-31 Policy 3 -- Add "cultural and historic" to "scenic, recreational and natural resources."

Policy 3 has been amended to include cultural resources, which includes historical resources.

Action 3.1 -- Add a finding affording special protection to cultural, historical, and archaeological resources.

Cultural resources have been added to the minimum findings in Action 3.1.

II-32 Policy 5 -- Add "historic districts" to areas protected from visual impacts.

Policy 5 has been amended to include cultural resources, which includes historic districts.

II-34 Action 9.1 -- The last sentence reflects a pro-mining bias and presumes that mining in the Bodie area can "be compatible with the cultural, historic, and natural values of the area." This may, in fact, contradict Policy 9.

Comments noted.

Circulation Element

There is no discussion of the potential of public transit service to Bodie during the peak visitor use season.

Comment noted. Transit potential at Bodie has been identified as an Issue/Opportunity/Constraint for the Bodie Area Plan.

III-6-5 Route 270 is mentioned, along with a statement about "continued adequate maintenance." It should be noted that, along with its scenic values, Route 270 is a historic transportation corridor. Additional paving, widening, or straightening should be avoided. Better signage, enforced speed limits, and public transit should be explored in place of modern improvements which would detract from Route 270's historic character.

"Adequate maintenance" does not refer to improvements such as additional paving, widening or straightening. It refers merely to maintenance of the existing road surface. Route 270 is a state highway operated and maintained by Caltrans. Additional or improved signage will be discussed with Caltrans as part of the Bodie Area Plan planning process. Public transit to Bodie will also be addressed in the Bodie Area Plan. Enforced speed limits needs to be discussed with the California Highway Patrol.

Conservation/Open Space Element

Mineral Resources

V-38 Objective B - refers to avoiding or minimizing land use conflicts, but the subsequent actions seem to do this by favoring land use decisions that will not conflict with future mining activities. A statement should be included in the action plans requiring that potential mining be evaluated for its conflict with existing land uses.

Specific direction requiring that potential mining be evaluated for its conflict with existing land uses is found throughout the General Plan, especially in the Land Use Element and the Conservation/Open Space Element. The General Plan is structured so that avoidance or mitigation of potential adverse impacts is discussed under individual resources, rather than under activities. For example, prevention of adverse impacts to cultural resources is discussed under cultural resources, rather than under mining, recreation development, housing development, etc.. By structuring the document in this manner, we are able to address potential adverse impacts to a resource from all types of development and we treat all types of development the same by requiring them to do impact assessment studies and to provide mitigation measures if necessary.

V-39 Objective C seeks "adequate protection of "public health, safety, and welfare." The recommended policies and actions are minimal and merely attempt to bring the county into compliance with state and federal regulations. With the various references elsewhere in the GP, MEA, and DEIR as to the overall dominant importance of recreation and esthetics to Mono County's economy, a much stronger objective is called for.

See response to previous comment.

V-39 Action 1.1 "Avoid or mitigate" is vague.

Comment noted.

V-40 Action 1.2-Mono County should demonstrate its vision and commitment to environmental quality by prohibiting all open pit mining operations as well as those which utilize a cyanide heap leach process.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

V-40 1.4 - This is a gratuitous "action" since it is legally required.

Comment noted. State law does not require scoping (see CEQA Guidelines §15083). This is not a "gratuitous action".

V-40 Actions 2.1 and 2.2 It is recommended that commercial mining be limited to Resource Extraction Districts which are as yet unspecified. No mention is made of how land will be placed in those zones. There should be an action to define this process to identify the criteria to be used, and to establish a timetable.

The county has a Draft Resource Extraction zoning district, which along with a Draft Reclamation Ordinance, was drafted as an implementing tool for the

General Plan with specific directions for implementing General Plan policies. The draft ordinance also contains criteria to determine when and how the district is to be applied. (see Appendix A in the Conservation/Open Space Element).

Visual Resources

V-64 Objective C - Add historic districts" to "surrounding community and/or natural environment" to ensure that "development is visually compatible" with Mono County's significant cultural and historic resources.

Objective C has been amended to include cultural (including historic) resources.

Outdoor Recreation

There is no discussion of the role of Mono County's two State Park System units, Mono Lake Tufa State Reserve and Bodie State Historic Park. The county and state should seek to develop complementary and compatible facilities such as trails, picnic areas, interpretive exhibits, camping, etc. While this is implied in some of the actions, it could be specifically stated.

The intent of the Outdoor Recreation section is to provide policies for the development of county owned and/or operated facilities. The county has no role in providing improvements and facilities at state or federal recreational facilities, other than to support their development. Various policies in this section adequately address cooperating with federal, state, and local agencies to provide a coordinated approach to recreation planning and development in the county.

V-73 Policy 4 - Add Bodie to "lakes and ski areas".

Policy 4 has been amended to reflect the above concern.

Cultural Resources

The overall discussion of cultural resources is weak in its treatment of historic preservation. This could be improved with a good definition of what is meant by cultural resources. This should include buildings, sites, structures, objects and districts of interest to Mono County, the region, California, and the nation (similar to classification of mineral resources). We also suggest that staff refer to "the Secretary of Interior's Standards for Historic Preservation Projects" and consider adopting the standards for "Rehabilitation" as well as "Professional Qualification Standards" for guidance.

A definition of cultural resources has been added to the Cultural Resources Section of the Issues/Opportunities/Constraints (pp. V-10-11 of the Draft Conservation/Open Space Element), and as a footnote to the Cultural Resources Goal. Other comments are noted for consideration when the County establishes a Cultural Resource Management Program.

V-74 Action 1.2 - What would be the make-up of "The Commission?" What qualifications (see above) would be required of prospective Commissioners? To whom would they report?

The establishment and operations of a Cultural Resources Commission would be governed by guidelines established by the State for such commissions. These guidelines include required qualifications for commissioners, authority for operations, and procedural guidelines for operation of the commission.

V-78 Objective D - Mono County could advocate development by the California Department of Parks and Recreation of a Bodie Visitor Center.

Comment noted. The possible need for and location of a Bodie Visitor Center has been identified as an issue to be addressed in the Bodie Area Plan.

Public Health & Safety.

V-81 Policy 7 - Open pit mining operations are major sources of fugitive dust.

Policy 7 and its associated action have been amended to include other activities besides construction activities that have the potential to create fugitive dust.

Noise Element

V-8 "Issues/Opportunities/Constraints" As a historic ghost town Bodie should be specifically recognized as a unique national treasure which must be protected from the adverse impacts of modern and excessive noises.

Bodie's designation as a National Historic Landmark recognizes its unique nature. Bodie is protected from potential noise impacts, as is any other area in the county, by policies in the Noise Element (see Objective B, Policy 1 and associated actions and Policy 3 and associated actions). Additional specific noise standards for Bodie may be included in the Bodie Area Plan.

VII-8 A policy and specific actions should be outlined to protect Bodie from potentially incompatible land uses.

Objective A, Policy 9 and its associated actions in the Land Use Element are intended to protect Bodie from potentially incompatible land uses. Further direction concerning potentially incompatible uses at Bodie would be provided in the Bodie Area and/or Specific Plan.

Hazardous Waste Management Element

VIII-15 Action 4.9 - Mining produces more hazardous waste than all other U.S. industries combined--about 800 million tons every year. (Source: "RCRA Roundup: A Primer on the Resource Conservation and Recovery Act." Western Organization of Resource Councils Education Project Feb. 1992). The magnitude of the potential of this hazardous waste problem for Mono County must be acknowledged and planned for. Action 4.9 is not sufficiently detailed to address this serious issue.

Action 4.9 requires mitigation of all potentially significant impacts resulting from the use of hazardous materials and the creation of hazardous waste in mining operations. Mitigation would be in accordance with federal and state

laws governing hazardous materials and hazardous waste, as well as with the policies of the Hazardous Waste Management Element.

Comments on Master Environmental Assessment

Pg. 7 Bodie AP/SP is on the map. Where is this fully explained in the text?

The designation AP/SP indicates Area Plan/Specific Plan. Objective A, Actions 9.1 and 9.2 in the Land Use Element state that future development in the Bodie area will require a Specific Plan or an Area Plan. As previous responses indicated, the planning process to develop a Bodie Area Plan is currently under way.

Pg. 54 Table 10- Employment Profile Why is information regarding the number of people working in the mining industry considered confidential? This is curious in that the argument for mining is often presented as being pro-jobs. A baseline level of employment should be provided so that future jobs growth can be analyzed and planned for.

The census data provided for employment lists the number of people working in the mining industry as confidential. Table 10 merely reflects the data available from the census. This provides sufficient baseline data for future analysis.

Pg. 101 Only local and federally-provided recreation is addressed without mentioning either of the two State Park System units in Mono County. These units draw several hundred thousand visitors to Mono County each year, contributing greatly to the local economy, while providing unique recreational opportunities.

Information has been added on the state park units.

Pg. 109 There is no mention of interpretive programs offered at the Mono Lake Tufa State Reserve and Bodie State Historic Park.

The text has been amended to include the interpretive programs at the state park units.

Pg. 128-9 There is scant recognition of Bodie's historic and current significance. Historically, Bodie is noted for technological developments in mining and hydroelectric power, its rich ethnic mix, the role of labor unions, and the violence epitomized by "the Bad Man from Bodie." Today, Bodie is the best preserved authentic ghost town in the West, worthy of more-in-depth description.

The text has been amended to include the above information.

Pg. 134 Bodie is also included in the Federal Historic American Buildings Survey (HAABS).

The text has been amended to include the above information.

Pg. 141 Add State Parks and Wilderness Study Areas to list of sensitive receptors.

The text has been amended to include the above information.

Figure 11 Visual Resources The legends are all incorrect: USFS VQOs and BLM VRMs are reversed.

The legends have been corrected.

Figure 16 What is the "Mono County Mining Database?"

The "Mono County Mining Database" is a document prepared by Geotechnical Research & Development which discusses the history of mining in Mono County, identifies existing claims and mining activity, and identifies areas with potential significant mineral resources. Such areas are shown on the maps in Figure 16. The document may be reviewed at the Mono County Planning Department Office in Bridgeport.

This concludes our comments. Please feel free to contact us if you would like any clarification of our remarks. We would appreciate being kept informed of the progress of the GP and any meetings that are held to discuss it. Thank you.

Sincerely,

Donna Pozzi, Chair
Save Bodie Committee

Wayne Harrison, President
California State Park Rangers Association

THE MONO LAKE COMMITTEE

P.O. Box 29
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Burbank, CA 91506
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October 30, 1992

Scott Burns, Director
Mono County Planning Department
P.O. Box 8
Bridgeport, CA 93517

Dear Scott,

The Mono Lake Committee is pleased to provide you with our comments on the Mono County General Plan Update, Environmental Impact Report (EIR) and Master Environmental Assessment (MEA). Our comments focus on water resource-related issues in Mono County, particularly Mono Lake.

As participants with other Mono Basin citizens on the Mono Basin Regional Planning Advisory Group, we would also like to voice our support for the recommendations made by the group. We commend you for convening the Regional Plan Advisory Groups, which gave community members an insight into local planning processes and a real voice in the future management of the County. We especially would like to thank Laurie Mitchel, who patiently facilitated countless Mono Basin Group meetings and incorporated our group's input into the Plan.

Please contact us if you have questions or need clarification of our comments. Thank you for your work in updating the County's Plan. We look forward to an excellent final product.

Sincerely,

Sally Miller
Eastern Sierra Representative

enclosures: Comments on Mono County General Plan Update, Water
Resources and Water Quality
Comments on Master Environmental Assessment

THE MONO LAKE COMMITTEE

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COMMENTS ON MONO COUNTY GENERAL PLAN UPDATE, WATER RESOURCES AND WATER QUALITY (CONSERVATION/OPEN SPACE ELEMENT), p.V-22 - V-32.

NOTE: The Attachments referenced throughout the following comments contain material to support statements in the comments and technical information related to the current legal, ecological and management situation in the Mono Basin. The Attachments are extensive in nature and, as a result, have not been reproduced here; they are available for viewing at the Mono County Planning Department offices or by contacting the Planning Department. The Attachments were utilized in preparing revisions to the General Plan and Master Environmental Assessment, as suggested in the following comments.

GOAL I

OBJECTIVE C

Add Policy 6: Support efforts by affected parties in the Mono Lake litigation to secure monies made available through AB 444 to provide replacement water supplies for Los Angeles and to permanently protect Mono Lake.

Rationale: The County has previously supported efforts to develop and secure replacement water supplies with money made available through AB 444. See letter of Mono County to LADWP Board of Commissioners, April 16, 1991 (Attachment # A-1).

The suggested policy has been added to the draft General Plan Update.

Add Policy 7: Encourage the Town of Mammoth Lakes to sign the statewide Memorandum of Understanding (MOU) for Best Management Practices (BMPs).

Rationale: Over 150 entities from throughout California, including urban water agencies (e.g. LADWP, Metropolitan Water District), industry associations and conservation organizations, have signed the MOU for BMPs. Under the MOU, urban water agencies commit themselves to developing comprehensive conservation programs based on standards set by the California Urban Water Conservation Council. Attachment # A-2 provides a list of signatories to the MOU and a summary of the BMPs.

This policy is inappropriate for the County General Plan. It would be more appropriate to introduce similar policy language to the Town of Mammoth Lakes during their current General Plan update process or to provide such language to the Mammoth County Water District (MCWD). The MCWD, in its Urban Water Management Plan and other policies, is already implementing many of the BMP's in the MOU.

OBJECTIVE D

Add Policy 3: Oppose any legislative or regulatory efforts to undermine or weaken protection afforded to County water resources by the Public Trust.

Rationale: Mono County is not protected under Area of Origin laws, therefore the Public Trust is the primary protection for the County's water resources.

Policy 3 has been added to the draft General Plan Update.

OBJECTIVE F

Change Policy 1 to read: Work with the appropriate agencies to develop and implement a comprehensive water management plan for Mono Basin and downstream areas of the aqueduct system. The water management plan should ensure that Mono Lake and the local aqueduct system are managed in a manner that protects the ecological values of the Mono Basin and downstream areas of the aqueduct system.

Rationale: The Mono Basin RPAC had recommended (November 1, 1989) that this objective specifically say "comprehensive water management plan", so as not to confuse things with the Forest Service's Comprehensive Management Plan for the Scenic Area.

Policy 1 has been amended as suggested.

Add Action items:

Action 1.1: Support a minimum lake level for Mono Lake of 6377 feet.

Rationale: Mono County has previously taken a position supporting 6377 as a minimum lake level for Mono Lake. See letter of Mono County to Terrence Finney, June 13, 1989 (Attachment # A-3). See also letter of Mono County Energy Management Department to James Canaday, March 9, 1990 (#5): "The Mono County Board of Supervisors has expressed its support of a minimum lake level of 6,377 feet, proposed by the U.S. Forest Service" (Attachment # A-4).

Action 1.2: Support provision of a buffer level sufficiently above the minimum level for Mono Lake that protects the lake's ecosystem and benefits downstream areas of the aqueduct system by permitting diversions from the Mono Basin when the lake is above the minimum level.

Rationale: Mono County has previously supported the concept of a buffer level for Mono Lake. See Exhibit A to Resolution of Board of Supervisors No. 89-69, September 5, 1989 (Attachment # A-5). See also letter of Mono County Energy Management Department to James Canaday, March 9, 1990 (#37): "The EIR should address the need to maintain a 'buffer' in Mono Lake water elevation sufficiently above the minimum elevation of 6377 feet so as to ensure protection of the lake's ecosystem during dry climatic periods. The SWRCB should consider how maintenance of this buffered lake level could provide flexibility for optimizing the management of all water resources associated with the Mono Basin/Owens Valley aqueduct system of the City of Los Angeles" (Attachment # A-4).

Action 1.3: Support management of the aqueduct system that avoids drastic fluctuations in streamflows.

Rationale: Large fluctuations in streamflows in Mono Basin tributaries and the Upper Owens River have caused significant problems with streambank instability and have resulted in damage to fisheries and water quality. Prudent management of the aqueduct system will help to alleviate such problems in the future.

Action 1.4: Ensure that any comprehensive water management plan developed as per Policy 1, Objective F is consistent with the Forest Service's existing Comprehensive Management Plan for the Mono Basin National Forest Scenic Area.

Rationale: The Forest Service has in place a Comprehensive (land) Management Plan (CMP) for the Mono Basin National Forest Scenic Area. The County has supported "tiering" of any water management plan to the CMP. See letter of Mono County Energy Management Department to James Canaday, March 9, 1990 (#1) (Attachment # A-4).

Similar comments were received from the Inyo National Forest. The draft General Plan has been amended to include the concepts of a minimum lake level, a buffer level, management of the aqueduct system that avoids drastic fluctuations and consistency with the CMP for the Mono Basin National Forest Scenic Area.

OBJECTIVE G

Change Policy 1 to read: Support efforts to establish minimum flows in all streams impacted by diversions, and to allow for higher flushing flows as needed.

Rationale: This policy would ensure compliance with state Fish and Game Codes 5937 and 5946 requiring dam operators to release sufficient water below a dam to keep fish in good condition. Annual flushing flows are a necessary and natural part of a stream's flow regime and provide benefits to fisheries.

Policy 1 has been amended as suggested.

Change Policy 2 to read: Provide land use controls which facilitate the restoration of impacted stream channels and adjacent areas.

Policy 2 has been amended as suggested.

GOAL II

OBJECTIVE A

Change Objective A to read: Preserve, maintain and enhance surface and groundwater resources to protect Mono County's water quality and water dependent resources from the adverse effects of development or degradation of water resources.

Objective A has been amended as suggested.

THE MONO LAKE COMMITTEE

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COMMENTS ON MASTER ENVIRONMENTAL ASSESSMENT (MEA)

p. 13, Air Quality (4th paragraph). Please include that the State of California recommended designation of Mono Basin as non-attainment for PM 10 in 1991. The U.S. Environmental Protection Agency (EPA) intends to designate Mono Lake as non-attainment in the near future. See letters of May 22, 1991 and May 23, 1991 from GBUAPCD to California Air Resources Board (CARB) and EPA, letter of August 1, 1991 from CARB to EPA, and letter of October 13, 1992 from EPA to CARB (Attachment # B1).

The section on Air Quality has been amended to include the information on the non-attainment status of Mono Basin for PM-10.

p. 25-26, Mono Basin. In addition to the U.S.F.S. Visitor Center, the Mono Lake Committee operates the Mono Lake Information Center and houses the Lee Vining Chamber of Commerce.

The MEA has been amended to include the above information.

p. 89, Visual Resources (4th paragraph). The Mono Basin National Forest Scenic Area was established in 1984, not 1986. In this section it should be noted that dust storms arising from the exposed lake bed detract from the Mono Basin's scenic value (U.S. Forest Service Comprehensive Management Plan/EIS, EIS at 94, 153, 312, etc.).

The MEA has been corrected and amended to include the above information.

p. 101-110, Outdoor Recreation. This section should include information on Mono Lake's designation as the Mono Lake Tufa State Reserve in 1981 and the Mono Basin National Forest Scenic Area in 1984. Mono Lake is one of the major destinations of visitors to the County (Klages & Associates, 1992). Mono Lake as a tourist destination has significantly contributed to the County's economy (Board of Supervisors Resolution 89-69).

The MEA has been amended to include the above information.

p. 101, Outdoor Recreation (National Forest Lands, 3rd paragraph). The Mono Basin National Forest Scenic Area Visitor Center is a significant new developed recreation site in Mono County.

The MEA has been amended to include the above information.

p. 109, Recreation Programs (1st paragraph). The figure given for visitation to the Mono Lake Committee's Information Center/Lee Vining Chamber of Commerce is inaccurate. The average number of visitors to the center in the last several years has been around 40,000. The Scenic Area Visitor Center, a major Mono County attraction, deserves mention. Visitation data for the Mono Lake Tufa Reserve/Mono Basin National Forest

Scenic Area can be obtained from State Parks and the Forest Service; we believe visitation is around 200,000.

The MEA has been amended to include the above information.

p. 110, Recreation Programs (2nd paragraph). The Lee Vining Chamber of Commerce is also active in Mono County. Chamber information is distributed at the Mono Lake Committee Information Center. The Chamber sponsors the annual Mark Twain Days parade and celebration in October.

The MEA has been amended to include the above information.

p. 115, Mono Lake (#46). Acreage for Mono Lake is approximately 41,600 acres, not 86 (Mono Basin National Forest Scenic Area Comprehensive Management Plan, p.1).

The MEA has been amended to include the above information.

p. 129, Historical Resources (2nd paragraph). It should be noted here that LADWP's water diversions affected not just historical ranching and farming activity in Mono County, but also recreation and tourism. Recreational activity at Mono Lake was significantly affected by diversions and the subsequent lowering of Mono Lake's water level. Between the 1930's and the 1960's, Mark Twain Days was a very popular annual event in Lee Vining, drawing thousands visitors from throughout the eastern Sierra and southern California. The event featured recreational activities in Mono Lake, including speedboat and swimming races. These once popular activities are no longer practiced due to increased salinity and loss of boating access.

The MEA has been amended to include the above information.

p. 137, Air Quality (section including Climate, Temperature, Wind and Precipitation). For more accurate information pertaining to these sections, please see A Water Balance Forecast Model for Mono Lake, CA, Peter Vorster, 1985, U.S. Forest Service Earth Resources Manual Series #10 (hereinafter referred to as "Vorster, 1985"). Refer to pages 10, 12-13, 55-57 and 283. The "Wind" section should include additional information on spring and fall wind patterns (see "Vorster, 1985"). The "Precipitation" section mischaracterizes mountain (i.e. non-rainshadow) precipitation. Snow course data show that up to 40-50 inches of precipitation, rather than 30 inches, is typical for the headwaters of the Owens River and Mono Basin streams (Vorster, 1985). You should also note that the drier eastern half of Mono County receives a greater proportion of its annual precipitation in spring and summer (Vorster, 1985).

The MEA has been amended as suggested.

p. 138, Air Quality (Existing Air Quality). One of the largest contributors to PM-10 emissions in Mono County is exposed lakebottom (Mono Lake); this should be added to the list of contributing factors. Check with GBUAPCD to determine where exposed lakebottom fits, in "order of importance", on the list.

The MEA has been amended to include the above information.

p. 139, Air Quality. The MEA should discuss the recent (post1988) developments in the Mono Basin relative to air quality. Please see enclosed letters, and consult with GBUAPCD for information on Mono Basin's current status.

The MEA has been amended as suggested.

p. 140, Air Quality. The second sentence in this paragraph should be reworded to say: "The problem increases as more lakebed is exposed to wind action when Mono Lake's water level falls."

The MEA has been amended as suggested.

p. 143, Air Quality (Table 37). This table should be updated to reflect Mono Lake's pending designation as non-attainment by the EPA. The data presented in this table are from 1982-1986, and were measured in TSP standards; recent data are measured in PM10, the current federal standard for measurement of air quality. The PM-10 data, collected between 1988-1992, show the exceedences of PM-10 standards that have occurred which qualify Mono Basin for non-attainment status (see attached letters regarding air quality, Attachment # B1).

The MEA has been amended as suggested.

p. 151, Soil Erosion. A significant source of soil erosion along Mono County waterways has been LADWP's management of the aqueduct system. In the Mono Basin, lowered lake levels and resultant desiccation of streamside vegetation, followed by release of flood flows, have caused incision of Mono Basin streams. This has led to the erosion of stream channels along the lower reaches of Rush, Lee Vining, Mill and Wilson creeks, and to the destruction of County road crossings. Along the Upper Owens River, artificially fluctuating flows have led to streambank instability and, in some cases, serious erosion problems.

The MEA has been amended to include the above information.

p. 161, Table 39. Flow/capacity data for Lundy, Tioga, Ellery, Saddlebag, etc. can be obtained from SCE.

Table 39 will be amended to include the above information.

p. 161, Mono Lake (Table 39). A footnote should be added to explain the status of Mono Basin diversions. The California Gull is also a special status species (CADFG Species of Special Concern). Fishing is not a recreational use at Mono Lake - there are no fish in Mono Lake. Non-motorized boating (canoeing, kayaking) is a recreational use.

The MEA has been amended as suggested.

p. 162-163, Table 39. A footnote for Lee Vining, Rush, Parker and Walker creeks should be added to explain the status of Mono Basin diversions. Flow data for the Mono Basin are missing or incorrect. Mean annual flow of Rush Creek is approximately 60,000 acre-feet, Parker Creek is close to 8,000 acre-feet and Walker Creek is approximately 5,000 acre-feet (Lee Vining Creek is correct). These data can be checked with either Peter Vorster or LADWP.

The MEA has been corrected as suggested above.

p. 162, Lee Vining Creek. We believe the "Y" was probably meant to be a "W" because Lee Vining Creek is under study for designation as a Wild and Scenic River.

The MEA has been corrected as suggested.

p. 175-177, Mono Basin Hydrology. This section has a number of factual errors and needs to be updated to reflect the current legal, ecological and management situation. Because this section is the only section which discusses the Mono Basin in any comprehensive way, additional information should be included. We have provided some information here; we would be glad to work with you on further revising the material. We have also enclosed an update which we provided to the Department of Water Resources for their pending revision of Bulletin 160: California Water: Looking to the Future. The update (written in August, 1992) provides a brief paragraph on the status of the Mono Lake litigation, which should be included in this section of the MEA. See Attachment # B2.

This section should include information on Mono Lake's designation in 1991 as an International Reserve in the Western Hemisphere Shorebird Reserve Network (WHSRN). Mono Lake was designated a WHSRN Reserve for the large numbers of migratory shorebirds, particularly Wilson's phalaropes, that use the lake as an essential stopover on their migratory journeys.

This section should briefly discuss Mono Lake's pending designation as non-attainment for air quality by the U.S. EPA, and the Mono Lake brine shrimp's status as Cl for listing under the Endangered Species Act. We have suggested language below (see paragraph describing impacts to Mono Basin ecosystem).

The importance of Mono Lake as a recreational/tourist resource should also be mentioned. The lake was designated as the Mono Lake Tufa State Reserve in 1981 and the Mono Basin National Forest Scenic Area in 1984.

The current lake level (October, 1992) is 6373.5 feet, three feet below the court-ordered minimum lake level of 6377 feet.

The section on Mono Basin Hydrology in the MEA has been updated to reflect current conditions and to address the concerns expressed in the above paragraphs.

p. 175, 1st paragraph. Total drainage of the Mono Basin is 695 square miles, according to Vorster, 1985 (p. 4). Vorster, 1985 discusses the discrepancies in various estimates of the area of the Mono Basin drainage (p. 4).

The total drainage of the Mono Basin has been corrected in the MEA.

p. 175, 2nd paragraph. A number of the figures in this paragraph are incorrect or out-of-date: 1) According to Vorster (1985), annual runoff in the Mono Basin averages 196,00 acre-feet not 216,000 acre-feet. Vorster (pers. comment) indicates that data from the current drought would lower this estimate down to about 190,000 acre-feet. 2) Because of the preliminary injunction issued by El Dorado Superior Court, no water is currently being diverted from the Mono Basin. LADWP diversions averaged about 90,000 acre-feet prior to the issuance of the first court order in late 1984. 3) Much less than 7,000 acre-feet is currently being used in-basin because LADWP has reduced its in-basin irrigation diversions.

The MEA has been corrected to include the information provided above.

p. 175, 4th paragraph, last sentence. Due to a temporary court injunction, no water is being diverted from the Mono Basin.

The MEA has been corrected to include the information provided above.

p. 175, 5th paragraph, last sentence. Add Lee Vining Creek to list of creeks that have been rewatered due to court decisions.

The MEA has been corrected to include the information provided above.

p. 176, 2nd paragraph. We suggest that you replace the existing 2nd paragraph with: "LADWP's diversions have severely affected the ecosystem of Mono Lake. Since 1941 the lake's level has dropped over 40 vertical feet and the lake's volume has shrunk by nearly 50%. The salinity of the lake has nearly doubled, threatening the lake's fragile ecosystem. The Mono Lake brine shrimp (*Artemia monica*), is a Category 1 candidate for listing under the Endangered Species Act (USFWS, 1992). Shrinking water levels have caused landbridges to form between the mainland and the islands, allowing coyotes and other predators access to California gull nesting sites. Historical Pacific Flyway counts indicate that Mono Lake and its associated spring-fed wetlands once hosted hundreds of thousands of ducks and geese during fall migrations (Dombrowski, 1948); presently only about 10,000 waterfowl utilize Mono Lake (Gaines, 1989). Toxic alkali dust rising from the exposed lakebed on windy days obscures scenic vistas and threatens human health. Mono Basin air quality violates state and federal air quality standards (GBUAPCD, 1991; U.S. EPA, 1992). Once renowned trout fisheries have been devastated by years of water diversions. The demise of Mono Lake and the accompanying degradation of its tributary streams has become one of the biggest environmental controversies in the nation."

A new paragraph should follow that discusses the NAS and CORI reports: "The lake's ecosystem has been the subject of extensive scientific studies documenting the impacts of these diversions. Both the 1987 National Academy of Sciences (NAS) study and the state-funded 1988 Community and Organization Resource Institute study ("CORI Report") predicted the demise of the Mono Lake ecosystem at LADWP's continued diversion rates. The CORI Report further recognized the importance of the "buffer" concept to protect Mono Lake."

There should be a description of the Mono Basin National Forest Scenic Area Comprehensive Management Plan (CMP) and EIS (1990). The CMP and EIS utilized information from the NAS and CORI reports to conduct its impact analysis, explored a range of lake level alternatives, and recommended a preferred lake level range of 6377 to 6390 feet to protect the unique ecologic, geologic, cultural and scenic features of the Mono Basin ecosystem.

The State Water Resources Control Board (SWRCB) Mono Basin EIR, which is due for release in February, 1993 (draft), should also be discussed. The SWRCB EIR will rely on existing and newly conducted research. The EIR will examine a range of lake levels from 6372 feet, Mono Lake's low ebb in late 1981 (and the lake level supported by minimum stream flows to protect the fisheries), to 6410 feet, which approximates Mono Lake's prediversion level in 1941. The SWRCB will determine a lake level (range) for Mono Lake that will protect the lake's public trust values. The SWRCB will also set minimum stream flows for Mono Lake's tributary streams to bring LADWP's diversion licenses into compliance with state Fish and Game codes.

The MEA has been amended to reflect the information and concerns presented in the previous paragraphs.

p. 176, 3rd paragraph. This paragraph, which projects impacts to Mono Lake at diversion rates of up to 100,000 acre-feet annually, should be deleted and replaced with the above paragraphs.

This paragraph has been deleted.

p. 177, 2nd paragraph. The small hydro project on Wilson Creek (the "Pahoa" project) was recently approved by the Federal Energy Regulatory Commission (FERC). The proposed "Leggett" project on Lee Vining Creek has been denied by FERC in the recently completed Environmental Assessment (October 20, 1992). It is possible that FERC's selection of the "No Action" alternative for the project will be appealed by the project proponent.

The MEA has been updated to include the above information.

p. 177, 4th paragraph. It is our understanding that the Lee Vining PUD is attempting to develop a new water system to meet state requirements for water quality. Please check with Don Banta of LVPUD for an update.

The paragraph on the LVPUD has been updated to include current activities of the district.

p. 178, 1st paragraph. LADWP's diversions from the Mono Basin are not released into the Owens River at Big Springs, but approximately 2 1/2 miles downstream on the Arcularius Ranch. Another feeder stream of the Owens River is Glass Creek, with headwaters below the San Joaquin Ridge.

The MEA has been amended to reflect the above information.

p. 186, 3rd paragraph. According to Vorster, 1985, average annual rainfall over the Mono Valley Basin is 10 inches.

The average annual rainfall over the Mono Valley Basin has been corrected.

p. 236, Astragalus monoensis. According to the local chapter of the California Native Plant Society (CNPS), the status of this plant has been downgraded. Please contact CNPS or USFWS for current status.

The status of Astragalus monoensis has been corrected.

p. 241, California Gull. The California gull has CDFG status as a Species of Special Concern (since 1978).

The status of the California gull has been corrected.

p. 241, Mono Lake Brine Shrimp. According to the USFWS, the current status is C1.

The status of the Mono Lake Brine Shrimp has been corrected.

p. 282, Biological Research Areas. We suggest that the Mono Basin National Forest Scenic Area also be listed as a "biological research area." One of the purposes of the enabling legislation was to provide for scientific research (PL 98-425, Title III, Sec. 304(b)(1)).

The MEA has been amended as suggested.

SIERRA CLUB

California/Nevada RCC Mining Committee
P.O. Drawer W, Independence, CA 93526
Stan Haye, Chair. (619) 878-2244

10/28/92

Dear Sir:

The following comments are in response to the Mineral Resources element of the Draft Mono County General Plan.

Overall Goal: Strengthen the goal by stating that conflicts with other uses shall be minimized to the maximum extent possible. Merely minimizing, without the goal of to the maximum extent, is weak and subject to abuse. Specify that the intent of the Mineral Resource element is to meet or exceed environmental standards contained in applicable State and Federal law, for example in CEQA, SMARA, AND NEPA.

Comment noted. Your request will be presented for consideration by the Planning Commission and the Board of Supervisors at the public hearings on the adoption of the General Plan Update.

Objective B: The goal should be to minimize conflicts to the maximum extent possible. Also, the goal should state that in avoiding land use conflicts, the highest and best use of the land should be considered. The possible existence of a low value mineral deposit should not preclude use of land for a higher and better use. In avoid conflict with other uses, the mineral value may have to be sacrificed, not the other use.

See previous comment.

Action 1.1 a): Add another section to the minimum requirements for the mineral report, specifying that the report shall specifically identify conflicts with mineral development, including but not limited to potential impacts on scenic, air, and water quality, and wildlife, and evaluate the value of the mineral deposit in comparison to values potentially damaged or lost by development, including non-monetary values. Specify what type of professional shall prepare the mineral impact report, and what the minimum qualifications of this professional should be. This professional should not merely have a background in geology, but should also have credentials in the area of land use planning and in evaluating the environmental and social impacts of proposed mineral development.

The mineral report required by Action 1.1 is intended to protect mineral resources from other development. The above comments address the impacts of mineral development projects on other resources. Specific direction requiring that potential mining be evaluated for its conflict with existing land uses is found throughout the General Plan,

To explore, enjoy, and protect the wild places of the earth. . .

especially in the Land Use Element and the Conservation/Open Space Element. The General Plan is structured so that avoidance or mitigation of potential adverse impacts is discussed under individual resources, rather than under activities. For example, prevention of adverse impacts to cultural resources is discussed under cultural resources, rather than under mining, recreation development, housing development, etc.. By structuring the document in this manner, we are able to address potential adverse impacts to a resource from all types of development and we treat all types of development the same by requiring them to do impact assessment studies and to provide mitigation measures if necessary.

Action 1-4: Specify standards for land use in areas containing significant mineral deposits which protect other resources values such as scenic, air, and water quality, and wildlife, and preserve the potential for other uses of these areas in the future.

See previous comment.

Objective C: Change adequately to the maximum extent possible. The word adequate is very weak, and subject to abuse.

Comment noted.

Policy 1: State that mineral development projects shall meet or exceed applicable provisions of CEQA, NEPA, SMARA, and the Mono County Environmental Handbook.

Policy 1 has been amended as suggested.

Action 1-4: This should be combined with Action 1-3. The earlier the public is involved, the better. Even a perception that projects are being considered in secret, or that mineral development proponents are getting special treatment, cause suspicion among citizens, and can cause expensive obstruction and litigation. Identifying and resolving all issues early is the key to expediting mineral development.

Comment noted.

SIERRA CLUB COMMENTS ON DRAFT MONO COUNTY GENERAL PLAN

Action 2-1: Provide specific guidelines for the Resource Extraction District that protect existing resources within the district, and provide for reclamation and mitigation so that future uses of the land are protected.

The County has drafted a Resource Extraction zoning district and a Reclamation Ordinance. (see Appendix A of the Conservation/Open Space Element) These draft documents contain specific regulations to protect the land and resources, both during the resource extraction operations and during reclamation.

Your attention to these comments is appreciated.
Sincerely, Stan Hays

Southern California Edison Company

P. O. BOX 7329

3001 CHATEAU ROAD

MAMMOTH LAKES, CALIFORNIA 93546

JOHN E. ROBINSON
AREA MANAGER

TELEPHONE
(619) 934-6671

November 20, 1992

Mr. Daniel L. Lyster, Director
County of Mono
Energy Management Department
HCR 79, Box 221
Mammoth Lakes, CA 93546

Dear Mr. Lyster:

SUBJECT: Geothermal Resources Element
Solar Energy Resources Element
Wind Energy Resources Element
Hydroelectric Resources Element
Transmission Corridors
Energy Conservation
Conservation/Open Space Element

Thank you for giving the Southern California Edison Company the opportunity to review and comment on the subject documents.

This is to advise you that the electric loads of the area are within the parameters of the overall projected load growth which we are planning to meet in this area.

Unless the demand for electrical generating capacity exceeds our estimates, and provided that there are no unexpected outages to major sources of electrical supply, we expect to meet our electrical requirements for the next several years.

In addition, the relocation, reconstruction, extension, or undergrounding of Edison's electrical distribution system which may be necessitated by activities within the proposed project area, will be performed by Edison in accordance with Edison's effective Tariff Schedules approved by and filed with the California Public Utilities Commission.

The primary purpose of Edison's rights-of-way is designated for utility purposes and that while on the surface it appears to be undeveloped, the rights-of-way are in fact developed.

Mr. Daniel L. Lyster
Page 2

Any proposed secondary use (example, riding or hiking trail system) would have to be reviewed on a parcel by parcel basis.

Our specific comments to the General Plan Elements are attached.

Thank you for the opportunity to review and comment on the county's General Plan.

Please contact me directly should you have any questions or comments.

Comments noted.

Sincerely,

JOHN E. ROBINSON

JER/nb
Attachments

SOLAR ENERGY RESOURCES

A greater distinction between solar energy for heating and cooling and that which is used to generate electricity is needed.

"Electricity from photovoltaic cells can be used in disbursed and individual projects or in centralized power plants" gives the impression that the two are mutually exclusive. At Edison, we are working on disbursed units that are connected to the grid. The sentence seems to indicate that disbursed units are not connected to the grid.

"Basic environmental considerations" also seem to link heating and cooling with photovoltaic applications.

Comments noted.

Mono County Solar Energy

The percentage of possible sunshine for China Lake seems to decrease in the summertime and increase in the winter time. China Lake has one of the highest regions of sunlight available in the nation. The numbers also do not correspond with the solar radiation figures on the lines above it.

Table 44b in the MEA, "Monthly Solar Date, China Lake/Inyokern", will be corrected when additional information becomes available.

Transmission Corridors

Existing Transmission Lines

The county and SCE agreed not to move the transmission line at the Rodeo Grounds and to place the ball park under the transmission line and put the 12kv distribution line underground.

The appropriate section of the MEA has been amended to reflect the above information.

HYDROELECTRIC RESOURCES

The Hydroelectric Resources section of the MEA has been amended to include information provided in the following paragraphs.

Southern California Edison, Hydro Generation Division, currently operates the Lee Vining, Rush Creek, and Lundy (on Mill Creek) Hydroelectric Projects.

Edison feels that the three Mono Basin hydro projects have been unjustly characterized as having created "significant loss of fish and wildlife habitat" and "equally significant aesthetic impacts." In addition, the impression has been created that these projects have been sited on previously unregulated, or undiverted, watersheds. Actually, the projects are diverting water at sites associated with agricultural and other divisions dating back to at least the early 1900's. Finally, the General Plan may have confused the environmental effects of Edison hydropower projects with the diversion of water from East-slope Sierra streams to the city of Los Angeles (these latter diversion structures are well downstream of Edison hydro projects).

For the record, while Edison's hydro projects are currently sited on U.S. Forest Service lands, these projects are also under the jurisdiction of the Federal Energy Regulatory Commission (FERC), and operate under FERC license. Lee Vining Hydroelectric Project is assigned FERC Project No. 1388, Rush Creek Hydroelectric Project is No. 1389, and Lundy Hydroelectric Project (on Mill Creek) is No. 1390. Specific comments, by project, follow.

Mill Creek Hydroelectric Project

Fisheries The fish populations in Mill Creek are as good as those in many unregulated streams of the eastern Sierra Nevada¹, are self-reproducing under existing conditions, and appear to be in good condition, based on fish population survey at two sites in Mill Creek below Lundy Lake (EA 1986a).

Wildlife Although impacts to wildlife are more difficult to quantify, we would not expect a great impact to the wildlife associated with the Mill Creek reach in question. Studies have shown that a wider band (i.e., more) of riparian vegetation (of great importance to wildlife) would not occur on Mill Creek as a result of increased streamflows, although changes in species composition, and vertical and horizontal stand structure may occur². Some additional changes in vegetation would also have occurred as the size of Lundy Lake increased following construction of the dam.

¹Electrofishing results showed the stream to be dominated by brown trout; only one brook trout was captured out of 351 total fish. Results from the first site yielded estimated of 4,798 trout per mile and 439 pounds per acre. Comparisons of these findings to trout numbers and biomass of other eastern Sierra Nevada streams (Dienstadt et al. 1985) shows that Mill Creek produces a larger than average number of trout per mile and pounds per acre. The condition factor values for the two study sites, calculated in the manner of Anderson and Gutreuter (1983), of 1.07 and 1.12.

²While there is a strong correlation between streamflow and riparian zone width in alluvial fan stream reaches, streamflow explained none of the variance in riparian width along glacial valley reaches [such as the reach of Mill Creek in question], whether diverted or undiverted (Taylor and Risser 1985). In another study, Jones and Stokes

Aesthetics While the aesthetic value of Mill Creek is altered by the removal of water, the overall impact to the aesthetic value of the creek is tempered by the high amount of accretion flow that enters the bypass reach³ from Deer Creek (near Lundy Lake) and from groundwater seepage. During low flow periods SCE releases several cubic feet per second (cfs) from a valve about 1/4 mile downstream of Lundy Lake Dam.

Existing diversion Lundy Powerhouse was constructed in 1911, actually on Wilson Creek, by the Pacific Power Company, utilizing the tailrace of a pre-existing diversion from Lundy Lake on adjacent Mill Creek. This diversion of water, from Mill Creek to Wilson Creek, dates back to copper mining activities about the time occurring lake (USGS 1923).

Recreation In addition to Mill Creek fishery, Lundy Lake is a locally important recreational opportunity, providing from 50 to 130 acres of open water habitat for fish into which the California Department of Fish and Game (CDFG) annually stocks up to 60,000 catchable-sized rainbow trout (CDFG data files, 198085, in FERC, 1992).

Lee Vining Creek Hydroelectric Project

Fisheries The fish populations in Upper Lee Vining Creek are at least average by comparison of other fish populations in the eastern Sierra Nevada, and appear to be in good condition (EA 1986b)⁴.

Wildlife The primary impact to wildlife would probably have been associated with loss of upland and wetland habitat as naturally occurring lakes (Ellery and Tioga Lakes) were enlarged by damming, and streamside (riparian) and wetland areas as Saddlebag Dam was constructed and the reservoir filled (the area was originally 3 separate lakes). It is very doubtful, however, that this would have created a significant impact given the

(1985) compared riparian vegetation along Mill Creek to vegetation on an undiverted of reach of the nearby Lee Vining Creek. They found that variations in floodplain width [not streamflow] along both streams. Although narrower, Mill Creek had significant more plant species, no difference in canopy cover, more lower canopy cover (less than 3 meters), and less taller canopy cover (greater than 9 meters).

³Total accretion flow in Mill Creek (measured well before peak runoff, several miles downstream of Lundy Dam) was measured in October 1986, December 1986, and March 1987; flows were 10.5, 8.1 and 6.6 cfs, respectively (EA 1988).

⁴Fish population were surveyed using electrofishing techniques at two sites in Upper Lee Vining Creek between Saddlebag and Ellery lakes (EA 1986b). Electrofishing results showed the stream to be inhabited mostly by brown trout, but also that a sizeable population brook trout lived in the stream, particularly in the upper study site near Saddlebag Lake. Results for the upper site yielded estimates of 1,752 trout per mile (45 percent brown trout), and 60 pounds per acre. The lower site yielded roughly 15,000 trout per mile and 50 pounds per acre. These levels are average in comparisons to trout numbers and biomass of other eastern Sierra Nevada streams (Dienststadt) et al. 1985). They are slightly above average when compared to other eastern Sierra Nevada streams that support sympatric populations of brown trout and other species of trout. The condition of the fish in Upper Lee Vining Creek also appears to be good, with a mean condition factor for brown trout in the two study sites, calculated in the manner of Anderson and Gutreuter (1983), of 1.06.

widespread availability of similar habitat, at the time the project was constructed. Changing conditions would also have provided opportunities for other forms of wildlife (e. g., creating greater opportunities for eagle foraging, etc.).

Aesthetics The aesthetics value of upper Lee Vining Creek is not significantly affected by the operation of the Upper Lee Vining Creek Hydroelectric Project. The project makes use of the creek between Saddlebag and Ellery lakes as a water conveyance system; this stretch of the creek is not a bypass reach. The reach is heavily visited by recreationalists entering or leaving Yosemite National Park, and has high aesthetic value manifested in form of a high mountain stream wandering through a high Sierra meadow. The diverted portion of the creek lies between Ellery Lake and Poole Powerhouse, a precipitous, and largely-out-of-view, section of the creek that falls into Lee Vining Canyon.

Existing diversion Agricultural diversions on Lee Vining Creek pre-date the development of hydropower by the California Electric Power Company, an early Edison predecessor; most likely water was stored behind small dams on upper Rush Creek by the Cain Irrigation Company (William Myers, pers. comm.).

Recreation The project lakes, all containing trout, and are in close proximity to major roadways and afford recreational opportunities to large numbers of anglers, hikers, campers and sightseers.

Rush Creek Hydroelectric Project

Fisheries In spite of the fact that the only stream reach within project boundaries likely to sustain sizeable numbers of fish is regulated, but not diverted (since this 1.7 mile stretch conveys waters in an essentially natural manner within the natural stream channel nearly year round⁵ (Figure 1), the fish populations (rainbow and brook trout) of Upper Rush Creek are lower than average for eastern Sierra Nevada streams⁶, both in terms of numbers of fish and biomass, probably because this reach contains little of the broad riffle/run habitat that is used by fry and juvenile trout life stages⁷. Although watered, of the other two reaches one is a short, steep rocky incline and the other is a near vertical granitic exposure.

⁵Please see attached graph comparing actual versus computed natural flows in this stream reach.

⁶Electrofishing surveys were conducted at two sites in the 1.7 mile section of upper Rush Creek between Waugh and Gem lakes in the fall of 1985 and 1986 (EA 1986c). Total trout numbers and biomass between the two sampling sites and over both years ranged from 413 to 543 fish per mile and 7 to 21 pounds per acre. While their average condition factor, calculated in the manner of Anderson and Gutreuter (1983) was good, ranging from 1.06 to 1.12, the population statistics are lower than average when compared to other eastern Sierra Nevada streams (Dienstadt et al 1985) include streams that are above 8,000 feet in elevation, as Upper Rush Creek.

⁷Conductivity was also low and both electrofishing sites (15 and 20 umho/cm), which indicates low nutrient content and productivity. The low productive nature of the electrofishing site was further advanced by the visual assessment of low numbers of aquatic macroinvertebrates (EA 1986c).

Wildlife The primary impact to wildlife would probably have been associated with loss of streamside (riparian) vegetation occurring after dams were constructed and reservoirs filled. It is very doubtful, however, that this would have created a significant impact given the widespread availability of similar habitat, at the time the project was constructed. Also, changing conditions would have provided opportunities for other forms of wildlife (e. g., creating greater opportunities for eagle foraging, etc.).

Aesthetics The 1.7 mile section of upper Rush Creek between Waugh and Gem lakes has a high aesthetic value because of its character as a high Sierra stream. While it is reasonably close proximity to the Pacific Crest Trail it receives little recreation. Nevertheless, the aesthetic quality of the stream from a streamflow perspective is not diminished as the stretch of river is used by the project of water conveyance and does not represent a diverted reach.

Existing diversion Agricultural diversions on Rush creek predate the development of hydropower by the Nevada California Power Company; most irrigation water rights on Rush Creek were held by (and the dams constructed for) the California-Nevada Canal, Power and Water company (USGS, 1923).

Recreation The project lakes, all containing trout, are in close proximity to the Pacific Crest Trail and afford recreational opportunities to any anglers, hikers and campers willing to make the difficult hike in.

chart

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William Myers, Historian, Southern California Edison Company Rosemead. Personal Communication, October, 1992.

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10/30/92

RE: COMMENTS TO DRAFT MONO COUNTY GENERAL UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT

Ladies and Gentlemen:

We are pleased to have the opportunity to provide comments on the above referenced documents. Attached is a letter from our counsel, Graham & James, which sets forth the numerous legal and technical concerns we have regarding the updated general plan's proposed restrictions on geothermal development, particularly the proposed buffer zone.

Although we are greatly troubled by the scope of these restrictions and the questionable scientific data upon which the proposed buffer zone is based, we look forward to continuing discussions with you about the ways in which Vulcan Power can provide solid, environmentally sound geothermal development projects.

Vulcan Power prides itself on its commitment to clean, sustainable environmentally sound geothermal energy. In that regard we have many ideas to share with you about how we may offer pro-active, state of the art mitigation measures to minimize environmental impacts, while providing a reliable, renewable source of energy. You may be favorably surprised by the range of environmentally sound measures which we are prepared to discuss and potentially modify with your assistance and input. Not the least of these ideas includes elimination of nearly all of the power plant visual impacts opposed by others.

We are fortunate to have a team of very qualified geological and environmental professionals at Vulcan. We have applied for membership on the Long Valley Hydrologic Committee. We hope that participation on the LVHAC will allow us contribute to the important geothermal model studies getting underway.

As always, we are willing and available to meet with you regarding our comments to the general plan update and/or Vulcan's "green" plans for utilizing geothermal energy resources.

Comments noted.

Cordially,
Stephen M. Munson, CEO
Vulcan Power Company

SMM/sdy/dbc
Enclosure

MONO COUNTY GENERAL PLAN EIR

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October 31, 1992

(415) 054-0286

VIA FACSIMILE AND U.S. MAIL

Planning Department
County of Mono
HCR 79 Box 221
Mammoth Lakes, CA 93546

Re: Comments to Draft Mono County General Plan
Update and Draft Environmental Impact Report

Ladies and Gentlemen:

We represent Vulcan Power and take this opportunity to provide comments regarding the Draft Mono County General Plan Update, dated May 1992 ("Draft") and the Draft Environmental Impact Report for the Draft, also dated May 1992 ("DEIR").

As you may be aware, Vulcan Power currently has an ownership interest in the Mammoth Lakes Limited Partnership's geothermal development project, and recently acquired leasehold rights under several federal geothermal leases granted by the Bureau of Land Management ("BLM"). The lease transfer documents have not yet been completed. Leaseholds to be transferred involve over 13,000 acres of federal surface lands administered by the U.S. Forest Service and provide the leasehold with designated surface development rights.

I. INVESTMENT COMPENSATION

Since Vulcan Power and its associates have invested over six million dollars in the acquisition and development of their properties and assets in Mono County, we are extremely concerned about portions of the Draft which impose an effective moratorium on development of some of the renewable geothermal resources, particularly within the

so-called "Hot Creek Buffer Zone" and the "Deer Migration Zones" since these areas include federal lands leased for the purpose of geothermal project development.

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In addition to the expenditures invested to date, the value of the geothermal resource itself is estimated to be worth tens of millions of dollars. There is no provision in the Draft providing for immediate payment to compensate Vulcan Power and its associates for the loss of its investments and the wrongful taking of its future interest in these geothermal resources.

The boundaries of the buffer zones have been changed to exclude federal lands.

County Counsel has informed the Planning Department that taking is a legal issue which does not have to be addressed in the General Plan or DEIR.

II. SUSTAINABLE GREEN PROJECTS

As noted by our client, Vulcan Power is committed to sustainable development, that is, development which involves prudent use of natural resources and implementation of all feasible mitigation measures to minimize adverse environmental impacts. Vulcan Power can offer and intends to offer environmentally sound and visually benign sustainable geothermal development projects located in the County. While remaining committed to a cooperative and constructive process to ensure that development of the Vulcan Power projects are environmentally sound, we must nevertheless notify you of our substantial legal concerns about the scope and validity of the geothermal provisions of the Draft and DEIR.

Comments noted.

III. ARBITRARY PROVISIONS

First, as a general matter we must conclude from our review of the Draft and DEIR that the County's creation of the proposed Hot Creek Buffer Zone, the Deer Migration Zones, and related proposals contain substantial impediments to Vulcan Power's continued utilization of geothermal energy resources, are arbitrary and capricious, are not supported by substantial evidence in the record, and are in part legally infusible due to the County's lack of jurisdiction over federal lands improperly included within these Zones.

Moreover, as described above, the County's proposed new geothermal restrictions would result in an effective taking -- without due process or appropriate compensation -- of the ownership interests in the geothermal development resources and are thus unconstitutional.

County Counsel has informed the Planning Department that taking is a legal issue which does not have to be addressed in the General Plan or DEIR.

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IV. CEQA VIOLATIONS

Apart from the specific legal defects in the Draft and DEIR which relate to the Vulcan Power project, the DEIR for the Draft is also substantially deficient and does not comply with the California Environmental Quality Act ("CEQA"). As noted in greater detail below, the DEIR does not provide a complete description of the proposed plan, does not identify or provide sufficient evidence of the full range of the proposed plan's impacts, and does not address a reasonable range of alternatives which could feasibly attain the County's basic objectives while avoiding the adverse environmental impacts and jurisdictional disputes caused by the proposed plan.

Correcting these substantial legal defects in the DEIR will require the addition of significant new information and analysis, as well as the recirculation of a revised DEIR. Recirculation of a revised DEIR will also provide the County with the opportunity to correct the portions of the Draft which unlawfully seek to regulate federal lands and interfere with the property interests of Vulcan and its associates.

As indicated previously, the boundary lines of the buffer zones have been revised to exclude federal lands; therefore, there are no "jurisdictional disputes".

The DEIR contains a complete project description, adequately discusses the full range of impacts which could result from the plan, and addresses a reasonable range of alternatives to attain the plan's goals while avoiding adverse environmental impacts.

Section 15151 of the CEQA Guidelines addresses standards for the adequacy of an EIR. Section 15151 states that :

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible."

Section 15146 of the CEQA Guidelines discusses what is "reasonably feasible" for different types of EIR's. Section 15146 states that:

"The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater adequacy.***

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- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow."*

The above sections from the Guidelines recognize that the level of analysis which is "reasonably feasible" in a General Plan EIR will, from necessity, be more general than that which is "reasonably feasible" in a project-specific EIR. All components of a General Plan EIR, including the project description, impacts analysis, and alternatives analysis, will therefore be discussed in the EIR based on the general types of future development the General Plan allows, not on project-specific development since that is unknown at this time.

Project Description

The DEIR summarizes the goals in the General Plan and references the General Plan for a complete description of those goals and their associated policies and implementation measures, in accordance with CEQA Guidelines §15150 (Incorporation by Reference). This approach provides a complete description of the potential development allowed by the plan and therefore provides a complete project description. It would be unreasonable to require the EIR to go beyond that point to describe every conceivable project that might occur as a result of what is allowed by the plan. To do so would be speculative. The County only needs to know what types of development are allowed to occur; CEQA does not require that EIR's address speculative issues (§15145).

Impacts Analysis & Alternatives Analysis

Similarly, it is not necessary to discuss every conceivable impact which could result from the plan, or every possible alternative development scenario. The DEIR now identifies and analyzes a wide range of types of impacts that could result from the plan; however, until specific development is proposed, it is impossible to know what the exact site specific impacts of future development will be. To discuss every potential impact from the plan would, therefore, be speculative and most likely inaccurate and misleading. The DEIR also now identifies and analyzes a range of alternatives that could reasonably attain the plan's goals while avoiding adverse environmental impacts. The alternatives describe general development patterns. The DEIR contains sufficient information to allow decision-makers to make a decision which intelligently takes account of environmental consequences of the project.

Your comments consistently confuse what is appropriate and reasonable in a General Plan EIR with what is appropriate and reasonable in a project-specific EIR. The comments, in many cases, also misrepresent what is being approved through adoption of the Draft General Plan Update and certification of the EIR. Adoption of the General Plan merely allows certain types of development to occur in certain areas of the county; it does not approve specific projects. Many types of development which are allowed by the General Plan require a Use Permit and

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further environmental review in compliance with CEQA, the general plan policies and the Mono County Code. Your comments imply that approval of the General Plan and EIR indicates approval of specific projects; this is an erroneous interpretation.

Our more detailed comments follow:

A. INCOMPLETE PROJECT DESCRIPTION

With respect to that portion of the Project Description which purports to describe the proposed Hot Creek Buffer Zone, neither the DEIR nor the Draft disclose to the public the fact that the boundaries of this Zone were based not on sound environmental analysis, but were instead based on a confidential 1989 settlement agreement in a lawsuit.

Several sections of this 1989 agreement are in the public record (although not cited or referred to in the Draft or DEIR), and virtually require the County to include certain elements of the Draft since the County was a signatory to this agreement. For example, the restrictions on geothermal development, including the creation of the proposed Hot Creek Buffer Zone and the restrictions contained in the Deer Migration Zones (see pages V-45, and V-46 of the Draft), are required as express conditions of the public portions of the agreement.

While Vulcan Power is not yet privy to the provisions of the confidential Exhibit F of this 1989 agreement, this Exhibit appears, based upon other non-confidential information, to relate to precisely how the boundaries of the proposed Buffer Zone were drawn. These boundaries effectively allow the geothermal developer involved in the 1989 lawsuit to proceed with its project, which was excluded from the proposed Buffer Zone boundaries drawn by the County. This developer is therefore free of the onerous proposed Buffer Zone restrictions.

The public and confidential provisions of this 1989 agreement constitute critical parts of the Project Description. The omission of this information from the Project Description misleads the public by failing to disclose the County's interest in -- and the environmental tradeoffs associated with -- the terms of this earlier agreement. The Project Description also fails to disclose or analyze the impacts of future geothermal development projects which are made reasonably foreseeable due to the inclusion of the terms of this 1989 agreement in the Draft.

The Draft also fails to disclose the fact that other geothermal development projects which are proposed within this arbitrarily proposed "Buffer Zone" (some of which are even less likely to have adverse impacts than existing projects), will be adversely impacted should the Draft be approved. If environmentally sound proposed geothermal development projects such as that planned by Vulcan Power do not occur as a result of the Draft, the County will have fewer jobs and lower related tax and energy-royalty revenues, adversely affecting the County's capacity to implement planned improvements to roadways, schools, and infrastructure.

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Failure to develop environmentally sound geothermal development projects will also deplete the amount of available energy from clean, renewable alternate sources, and cause a corresponding increase in the need for energy from traditional power plants burning fossil fuels. The DEIR neither discloses nor analyzes the increased air pollution and other adverse impacts resulting from losses of geothermal energy resources and increased reliance on fossil fuels.

County Counsel has informed the Planning Department that Exhibit F of the Settlement Agreement has nothing to do with how the boundaries were drawn. It contains proprietary financial information relative to Mammoth-Pacific only.

As stated previously, the buffer zones have been revised to exclude federal lands.

No geothermal development projects are made "... reasonably foreseeable due to the inclusion of the terms of this 1989 agreement in the Draft". There is, therefore, no need to discuss or analyze potential impacts from such projects.

There are currently no other geothermal development projects proposed within the county.

The Draft General Plan considers the economic benefits and detriments of geothermal development (see Policy 3 and associated actions on p. V-53 of the Draft General Plan). The Draft General Plan states that "Geothermal development permits should not be granted in the absence of a reasonable showing of economic benefit to the community, unless findings are made that there are overriding state or national energy needs" (Action 3.3, p. V-53).

There is no need to discuss the impacts resulting from increased reliance on fossil fuels due to losses of geothermal energy resources. One, the plan does not preclude the development of geothermal energy resources. Two, current power sources in the county are either geothermal, hydroelectric, propane, or wood. There are no traditional power plants burning fossil fuels in the county. Three, the impacts associated with woodburning appliances are discussed in the DEIR and the General Plan contains policies to mitigate potential adverse impacts associated with woodburning.

B. SCOPE OF IMPACTS ANALYSIS

The overall methodology of the DEIR -- which consists almost exclusively of summary sentences describing a purported, unproven environmental "impact" (which in most cases does not even identify the geographic area affected by the purported impact) followed by a cryptic cross-referencing to "mitigation measures" included in the Draft itself -- is a prima facie violation of CEQA. An EIR serves as a public information document and must be understandable and accessible to members of the public. The DEIR neither informs the public about what physical changes can actually be expected

as a result of Draft implementation, nor does it disclose the scope or significance of the environmental impacts resulting from these physical changes.

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In response to the previous paragraph, please see the response to item IV. CEQA Violations. As stated previously, it is impossible to identify specific impacts in a general plan EIR or to pinpoint exactly where a specific impact might occur. The DEIR, in conjunction with the General Plan and the Master Environmental Assessment ("MEA", which serves as the existing setting section of the EIR), does identify areas of the county where development will be allowed and therefore identifies areas that will be subject to potential impacts from that development. Similarly, the EIR identifies and discusses types of impacts which may be expected from future development. The mitigation measures for impacts identified in the DEIR have been incorporated into the General Plan as policies and implementation measures. Therefore, cross-referencing is appropriate. Section 15166 of the CEQA Guidelines allows a general plan to be used as the EIR for that general plan if the EIR identifies where the general plan document addresses each of the points required (e.g. mitigation measures).

The DEIR's cross-referencing system to various Draft elements as "mitigations" likewise contains no analysis or explanation which would allow readers to understand whether the Draft's impacts would actually be mitigated and whether these mitigation measures would themselves result in any adverse environmental impacts. The DEIR also fails to disclose the County's standards for determining whether it considers an impact "significant" and thus prevents the public from having the opportunity to meaningfully comment on the accuracy or adequacy of the County's analysis.

Again, the DEIR identifies types of impacts and provides mitigation measures, in the form of specific General Plan policies (not "Draft elements"), that will mitigate those potential adverse environmental impacts. One of the basic tenets of the plan, and of CEQA, is that future development projects with the potential to adversely impact a resource, assess those potential impacts prior to permit or plan approval and either redesign the project to avoid the impact or provide mitigation.

CEQA does not require the county to have standards for determining significance. The CEQA Guidelines define "significant effect on the environment" (§15382) and contain examples of significant effects (Appendix G). This definition and these examples have been utilized in the DEIR and the General Plan.

These basic methodological defects are reflected in every impacts subsection of the DEIR, and the result is an incomprehensible document which does not comply with CEQA.

County staff is of the opinion that the DEIR, the MEA and the Draft General Plan is a fully comprehensible and well integrated set of documents in full compliance with CEQA. As stated previously, in accordance with CEQA Guidelines §15166, the General Plan serves as a portion of the EIR since it contains the mitigation measures for the impacts identified in the impact analysis section of the DEIR.

Similarly, the General Plan contains a complete project description, which is incorporated by reference in the DEIR, as allowed by CEQA Guidelines §15150. Finally, a Master Environmental Assessment was

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prepared as the existing setting section of the EIR, in accordance with §15169 of the CEQA Guidelines, and is incorporated in the DEIR by reference.

With respect to the portions of the DEIR relating to geothermal development in particular, we note that the DEIR improperly characterizes the "reduction of natural energy resources" and "reduction of mineral resources" (see pages 55-56 of the DEIR) as adverse impacts which would be caused by the Draft. These characterizations do not reflect the countervailing values or environmental benefits associated with the "production" of natural energy or mineral resources which would be prohibited on certain portions of the existing geothermal leaseholds by the geothermal component of the Draft.

The statements quoted in the above paragraph do not pertain to geothermal development in particular. First, geothermal resources, throughout the Draft General Plan and the DEIR, are considered separately from mineral resources. Second, "natural energy resources" pertains to a number of resources other than geothermal, such as wind, solar, and hydropower. Third, implementation of policies contained in the General Plan would, depending on the development, commit mineral and natural energy resources to uses that future generations would be unable to retrieve. Fourth, the General Plan does not preclude the "production" of natural energy through development of geothermal resources; the General Plan allows for geothermal development subject to the county permit process and environmental review

This is only one example of the policy bias -- improperly disguised as "environmental" analysis -- against geothermal development that is evident throughout the DEIR; there are in fact many such examples. This bias precludes the public from understanding the environmental trade-offs between allowing or prohibiting environmentally sound geothermal development projects, and is both incomplete and inadequate from a CEQA perspective.

There is no policy bias in the DEIR. As stated previously (see the last paragraph of the comment on item IV. CEQA Violations), the General Plan allows for geothermal development subject to the county permit process and environmental review. The environmental trade-offs between allowing or prohibiting a specific geothermal development project, and an assessment of whether that project was environmentally sound, would be made during the environmental review and permit process for that specific development.

The DEIR also presents an incomplete analysis of the cumulative impacts of the Draft except to say that they are expected to be significant. (see page 57 of DEIR). In particular, the DEIR does not disclose, except in the most general terms, the past, present and reasonably anticipated future projects that are likely to present potential impacts, nor does it present an analyses of reasonable options for mitigating or avoiding such impacts.

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Again, see previous comments relating to what is appropriate and reasonable in a General Plan EIR. The General Plan Update contains policies which require the county to coordinate future planning efforts with applicable federal, state, and local agencies. and to cooperate in implementing the resulting plans. Coordinated, planned development is expected to reduce traffic, maintain air quality, provide adequate services and infrastructure to serve the development, and to avoid or minimize impacts to a variety of natural resources. The General Plan also requires proposals for development on federal lands to address potential impacts to services and infrastructure in nearby communities and to provide mitigation measures for those potential impacts as well as for potential environmental impacts of the project.

The EIR has been amended to identify these policies as mitigation measures for potential significant cumulative effects resulting from implementation of the General Plan. Other mitigation measures are not feasible, since other development in the county that would contribute to cumulative impacts on the environment is either on public lands or on lands managed by the Town of Mammoth Lakes. In both cases, the county has no jurisdiction on future planning and development for those lands and must rely on a cooperative, coordinated approach to planning and development in order to protect the county's natural resources while allowing for use of private lands.

Additional analysis is not necessary in the cumulative impacts section . As your comments note, the DEIR addresses this in general terms. This is a DEIR for a general plan, and therefore in accordance with CEQA Guidelines §15146, the general level of analysis is appropriate. It is difficult to specifically address many potential impacts because, while the plans identified in the cumulative impacts analysis allow for a certain type and intensity of development, in most cases no specific development has been proposed. As a result, it would be speculative to analyze the cumulative impacts resulting from such development.

On a more technical level, we understand that there is concern regarding the potential adverse impacts on the fish hatchery from future geothermal development. These issues need to be further disclosed and analyzed on the record in compliance with CEQA, and cannot be either postponed to a future study or presented in the summary form currently presented in the Draft and DEIR. This summary form is particularly deficient given the Draft's proposal for the proposed Hot Creek Buffer Zone, since this Zone may only be created -- and its boundaries drawn (and even then not on federal lands) -- when there is first substantial factual evidence on the record in support of these decisions.

Vulcan Power is committed to using its excellent resource team to contribute to ongoing studies by the Long Valley Hydrologic Advisory Committee ("LVHAC") to assist in better defining the geothermal resources and in developing realistic solutions to real problems caused by resource development which are necessary to protect the environment. The ongoing process for reviewing and refining the substantial existing Vulcan well data and

other data available to Vulcan is a necessary prerequisite to any County effort to regulate the non-federal lands in the geothermal resource area, and until this review has occurred the proposed moratorium zone is an unreasonable,
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arbitrary and capricious regulatory response by the County. Vulcan has offered and continues to offer substantial new data and potential hydrothermal monitoring information to help design and provide input to the modeling efforts now getting underway. Any restrictive zoning efforts should not precede a full analysis of this and other pertinent information.

For example, Vulcan Power has noted major deficiencies in the "Sorey hypothesis" which, in general terms, postulates that at Mammoth a huge upflow of hot geothermal fluids rises in the west and flows across the caldera to the Southeast, with outflow zones possible at a few faults and hot springs. A similar model also proposed by Sorey has recently been disproven with regard to a project in Steamboat, Nevada, where Mr. Colin Goranson has been working as a consultant for several years. In fact, Mr. Goranson, who has been proposed to serve on the LVHAC as an alternate, recently advised our client that based on additional data and well analysis, the BLM Board of Land Appeals determined that geothermal development has no significant impact on the existing geothermal hot springs system.

It appears that the County is of the opinion that geothermal resources grow increasingly cold and less commercial (or noncommercial) to the East so, therefore, the moratorium zone is appropriate. However, this is an unproven hypothesis which is not based on substantial evidence and, further, contradicts data to which Vulcan is privy.

The LVHAC was created specifically to develop a record on these issues. A mass of "substantial evidence" has been placed in the record of its proceedings. This evidence has been and will be used both to evaluate new projects and enforce conditions relative to permitted projects. The validity of a model which focuses on a hydrothermal system in Steamboat Springs, Nevada, has no application or relevance to the geothermal issues in Mono County.

C. MITIGATION MEASURE ANALYSIS

As a general matter, the DEIR improperly defers its conclusion as to whether the proposed mitigation measures are sufficient in order to avoid significant environmental impacts resulting from the Draft. As an illustration, we note the following language contained in the DEIR:

"All impacts associated with implementation of the General Plan Update are identified as potentially significant prior to mitigation. Depending upon the scope and size of subsequent proposed actions allowed by the updated General Plan, and the effectiveness of mitigation measures, the impacts could be either "not significant" or "significant". However, in order to present a conservative analysis, all impacts are presented as potentially significant prior to mitigation and subject to further environmental analysis at the time of project approval." (See pages 56-57 of DEIR)

CEQA does not allow deferral of these significance determinations to a later date.

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The DEIR does not defer a determination of the significance of impacts. As your comments note, the DEIR states that "All impacts associated with implementation of the General Plan Update are identified as potentially significant prior to mitigation." The following discussion in the DEIR addresses the fact that in a general plan EIR it is impossible to determine the exact scope and type of future development that will occur; all that is known is the intensity and type of development that the general plan allows. As a result, it is impossible to determine the specific impacts that will occur and their potential significance.

The summary methodology used in the DEIR impacts analysis also invalidates the sufficiency of the mitigation measure analysis. In particular, the DEIR fails to identify or discuss any mitigation measures which would substantially eliminate or reduce the residual unavoidable adverse impacts identified by the DEIR, or to explain on what basis such measures were rejected due to economic, environmental, legal, social and technical infeasibility.

The DEIR identifies mitigation measures that substantially eliminate or reduce adverse environmental impacts in all resource areas, including those areas identified as having unavoidable adverse impacts. Impacts identified as unavoidable are so identified because even with mitigation measures that substantially reduce potential impacts, there will still be unavoidable environmental impacts. In approving the General Plan Update, the Mono County Board of Supervisors will determine whether the benefits of the project outweigh the unavoidable adverse impacts. If so, the adverse environmental effects may be considered acceptable (CEQA Guidelines §15093) and a statement of overriding considerations will be included in the record of the project approval.

More specifically, we are quite surprised at the paucity of information included in the DEIR and the Draft regarding the County's decision to create a proposed Buffer Zone which purports to serve as a mitigation measure but which is for all practical purposes a geothermal moratorium zone. Notwithstanding one minor reference in the environmental setting section of the DEIR to a 1978 technical study, it is impossible to discern any substantial evidence upon which the County relied in crafting the borders of such moratorium zone. In the absence of this evidence, the zone is arbitrary and capricious and constitutes an impermissible form of "spot zoning."

The substantial evidence is found in the record of the two geothermal projects heretofore permitted and the records of the related administrative and court proceedings.

D. INADEQUATE ALTERNATIVE ANALYSIS

The DEIR does not adequately describe a range of reasonable alternatives that could feasibly attain the Draft's basic objectives while reducing or eliminating

substantial adverse impacts. The four alternatives which are very briefly set forth in the DEIR fail to include any meaningful description of alternatives, any methodology by

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which these alternatives were selected and other potential alternatives were rejected, or a meaningful evaluation of the comparative impacts of each alternative. It is obviously a brief afterthought to the DEIR, since the "real" alternatives to the Draft are not disclosed.

In accordance with CEQA Guidelines §15126 (d), the alternatives analysis describes a range of reasonable alternatives that could feasibly attain the basic objective of the General Plan, which is to "maintain and enhance the environmental integrity of Mono County, while providing for the land use needs of County residents and visitors". As specified in §15126 (d)(5), "the range of alternatives required in an EIR is governed by the "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The DEIR presents a reasonable range of alternatives, including the "no project" alternative required by §15126 (d)(2), analyzes the comparative merits of those alternatives, discusses the significant impacts of the alternatives, and discusses why the preferred alternative was chosen. Since this is an EIR for a general plan, the level of analysis is general, as is reasonable.

As one of many examples, there is no suggestion that the County considered permitting geothermal projects within the proposed Hot Creek Buffer Zone or changing the location or reducing the size of the proposed Zone in order to minimize the significant loss of renewable geothermal energy resources.

E. JURISDICTIONAL BOUNDARIES

Even though it is our view that the County's geothermal moratorium would not apply to a project by Vulcan Power on the Santa Fe properties, which are federal lands, we believe that the County's inclusion of provisions in the Draft which effectively create a geothermal moratorium zone is an impermissible application of the County's land use authority. The proposed moratorium zone would conflict and interfere with important state and federal laws and policies regarding geothermal resource recovery on federal lands, pursuant to federal leases. For example, the Geothermal Steam Act of 1970 and the Mining and Minerals Policy Act of 1970 direct the U.S. government to foster and encourage private parties to develop alternate energy resources through the federal leasing process. It is clear that local land use regulations may not thwart such substantial governmental mandates.

As stated previously, the boundaries of the buffer zones have been revised to exclude federal lands.

F. FAILURE TO ASSESS POSITIVE BENEFITS OF GEOTHERMAL DEVELOPMENT

Finally, and in addition to the points raised above, we invite the County to consider the positive economic benefits of encouraging sustainable geothermal development. The proposed moratorium zone removes the potential for millions of dollars per year of property tax revenues and royalty payments to the County. The moratorium also constitutes an unlawful taking of Vulcan's property interests without due process or just compensation in violation of our Constitution.

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dollars per year of property tax revenues and royalty payments to the County. The moratorium also constitutes an unlawful taking of Vulcan's property interests without due process or just compensation in violation of our Constitution.

County's proposal also ignores the public need for new clean geothermal projects, so as to:

- a. offset power losses caused by aging nuclear plants;
- b. provide power needed in place of coal and natural gas plants which cause more pollution than self-contained air cooled binary cycle plants;
- c. provide power to replace hydropower cutbacks caused by the need to support endangered salmon runs; and
- d. provide power in lieu of building more hydrodams which destroy river valleys.

These benefits have been documented by numerous public agencies. The California Energy Commission's 1990 Electricity Report, for example, recommends diversifying the mix of electricity resources as a primary strategy for reducing risks. This report concludes that acquiring a variety of resources, rather than relying on a single fuel, is essential to enhance California's environmental quality and energy security. The Vulcan Power project helps to satisfy this important policy goal. In sum, the proposed Buffer Zone and the Energy Section of the Draft constitute bad public policy and are in stark opposition to federal and state clean energy policy objectives.

The Draft General Plan Update contains policies which recognize the important role of geothermal resources in the overall provision of energy on a regional and national level (see Goal II, Objective A, Policies 1 and 2 and associated action items, on pp. V-52 and 53 in the Draft General Plan Update).

V. PUBLIC RECORDS ACT REQUEST

Due to the substantial adverse impact which the Draft and DEIR will have on Vulcan Power, this letter also constitutes a formal request under the California Public Records Act for access to or copies of draft and final studies, correspondence, and documentation (including all portions of the 1989 settlement agreement), which the County staff considered in devising the Draft and which the County staff or its consultant utilized in preparing the DEIR.

Very truly yours,

Jennifer L. Hernandez
of

GRAHAM & JAMES

JLH:syd
Enclosures

cc: Mr. Steve Munson, CEO
Our File 28906.1

MONO COUNTY GENERAL PLAN EIR

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VIA FACSIMILE

(415) 954-0331

November 4, 1992

Planning Department
County of Mono
HCR 79,221
Mammoth Lakes, California 93546

Re: Errata to letter dated October 31 1992

Ladies and Gentlemen:

This letter is intended to correct an inadvertent error contained in our comment letter dated October 31, 1992 regarding the County's Draft General Plan Update and Draft Environmental Impact Report with respect thereto. For your convenience a copy of our letter is attached. Please note that the reference to "BLM Board of Appeals" in the fifth line of the carryover paragraph on the top of page 7 should be deleted and should be replaced by the words "the Nevada office of the United States BLM".

We apologize for any confusion the prior reference may have caused.

Comment noted.

Very truly yours,

GRAHAM & JAMES
By Maureen Bennett

MB:sdv

Enclosure

cc: Stephen M. Munson, CEO
Jennifer L. Hernandez, Esa.

VII. MITIGATION MONITORING PROGRAM

CEQA requires all EIR's to include a mitigation monitoring program (Public Resources Code §21081.6). The program must "be designed to ensure compliance during project implementation".

The mitigation measures in the Environmental Impact Report (EIR) for the Mono County General Plan Update have been incorporated into the goals, objectives, policies and implementation measures in the General Plan. These measures will be monitored in accordance with state law on an annual basis (Government Code §65400 (b), which requires annual review of General Plan elements). The General Plan (Land Use Element, Objective I, Policy 1 and associated actions) requires the Planning Department to review the entire plan and the Master Environmental Assessment annually and to present a status report to the Planning Commission and the Board of Supervisors. The General Plan also requires the Planning Department to initiate revisions and supplements to these documents as necessary. Incorporating new environmental information into the MEA will help ensure that the General Plan is being implemented on the basis of the latest available environmental information. Project-specific mitigation monitoring programs will also be required for future projects processed with a Mitigated Negative Declaration or an EIR.

Numerous entities will be responsible for implementing General Plan policies, thereby ensuring compliance with the plan's adopted mitigation monitoring program. The Mono County Planning Department will review future development projects for compliance with the General Plan and applicable area or specific plans and, where necessary, will coordinate activities with other County Departments as well as other local, state and federal agencies to ensure effective implementation of the Plan policies and mitigation measures. Building permits will also be reviewed for compliance with Plan mitigation measures.

The Planning Department will also be responsible for preparing and presenting an annual report to the Planning Commission and Board of Supervisors on compliance with General Plan policies. The County's Code Enforcement Officer will monitor any violations to the Plan or its implementing ordinances and initiate appropriate actions. The Mono County Planning Commission and Board of Supervisors will be responsible for certifying future environmental documents and granting discretionary project approvals in a manner consistent with the mitigation measures and policies of the Plan.

The County's regional and community planning advisory committees, which were active in the preparation of the Plan and the EIR, will also assist in implementation of the Plan. The planning committees are familiar with local planning issues and knowledgeable about local planning policies. The committees will assist the Planning Department in reviewing and, as necessary, revising local plan policies; rezoning their local area in order to bring the zoning into conformance with the General Plan; developing ordinances, regulations, and procedures for implementation of the General Plan; and other planning related tasks as necessary.

The timeframes for monitoring are ongoing for the twenty year life of the plan.

APPENDIX A

Responses to Notice of Preparation

Responses From:

State Lands Commission, Sacramento.

California Department of Parks and Recreation, Sacramento.

Department of Fish and Game, Long Beach.

California Department of Parks and Recreation, Mono Lake Tufa State Reserve.

California Department of Conservation, Division of Oil and Gas, Geothermal Section.

Mammoth County Water District.

California Energy Commission, Sacramento.