Summer season enplanements are also indirectly related to the bed base availability but as evident from other comparable airports, is usually a constant percentage of the winter enplanements. These airports had similar summer national park and winter skiing numbers. There is no other information available on which to base summer enplanements; therefore, basing total enplanement projections on estimated skier days is a reasonable methodology for estimating year-round enplanements. (See Supplement at Appendix H for more detailed analysis and calculation of enplanement and Airport usage projections).

Response to Comment B-8

The Town will start a water quality monitoring program before the construction of the proposed project begins to establish a baseline. This baseline would be established before the start of air carrier service at Mammoth Yosemite Airport and would be used to detect any impacts on water quality and water supply in the region.

Response to Comment B-9

With respect to the analysis of potential noise impacts, the Supplement describes the existing environmental setting by reference to 1999 Airport operations. The noise impacts were analyzed to calculate the effects of the new aviation demand forecast developed for the proposed project, which allows for the re-initiation of commercial air carrier service at the Airport with improvement to Airport facilities.

The "relative quiet" in the area referred to in the comment is the converse of the existing noise in the area. On a 24-hour basis, U.S. Highway 395, located adjacent to the Airport, contributes substantial noise to the area in the vicinity. U.S. Highway 395 runs along the Airport boundary and generates substantial noise as shown in the **Exhibits N-4, N-5, N-6**, and **N-7**. As discussed in Section 3.7.2, the proposed project would only slightly increase the area exposed to noise of CNEL 65 and higher. This area remains within the airfield boundary of the Airport on either Airport property or vacant land controlled by the Town through lease or use permits. There are no noise sensitive land uses and no people living within the area exposed to CNEL 65 and higher. The CNEL 60 and higher noise exposure area remains largely on Airport property, vacant land, or the U.S. Highway 395 right-of-way. There would be no change in the number of people affected by the slight increase in the 60 and 65 CNEL aircraft noise contours. There would be a small increase in the sound that can be heard by residents in the general vicinity of the Airport. There are no permanent residences within the area exposed to CNEL 60 and higher reflecting the full build out of the project in 2022. The wildlife around the Airport is already exposed to existing traffic noise generated by U.S. Highway 395 and aircraft operations at the Airport. Also, no significant night-time aircraft operations are expected to occur at Mammoth Yosemite Airport.

Aircraft noise exposure has been quantified using the Community Noise Equivalent Level (CNEL), as required by the California Airport Noise Regulation [CCR Title 21, Subchapter 6]. Noise exposure criterion levels of CNEL 60, 65, 70, and 75 were selected, as required by the California Department of Transportation, Division of Aeronautics. Because of the relatively small size of the CNEL 70 and 75 noise exposure areas, which do not extend beyond the airfield, only the CNEL 60 and 65 are presented on the noise exposure maps and were considered as threshold values for noise impacts. The methodology to analyze aircraft noise in the Supplement can be studied in detail in FAA Order 1050.1D which is consistent with State of California standards.

The Supplement uses a noise threshold of CNEL 60 for its determination of significance because noise below that level is compatible with residential uses. The commentor also states that use of an absolute value is improper. In fact, the use of an absolute value is not improper when that value is correlated to an actual impact as is the case here. CNEL 60 is the measurement, while compatibility with residential uses is the "threshold."

Air carrier aircraft operations are anticipated to comprise a small percentage of the overall aircraft operations at the Airport. The air carrier aircraft operated by the major airlines that typically operate in similar high altitude airports include some of the quieter aircraft in the U.S. fleet. These aircraft include the B-757, newer B-737, and Bae-146 aircraft. Commuter aircraft and regional jets are also anticipated to enter the fleet mix at Mammoth Yosemite Airport. Business jets and turboprop aircraft, such as the Gulfstream II, Lear 35, and other aircraft, can and are currently operating at Mammoth Yosemite Airport and are as loud or louder than the proposed air carrier passenger aircraft.

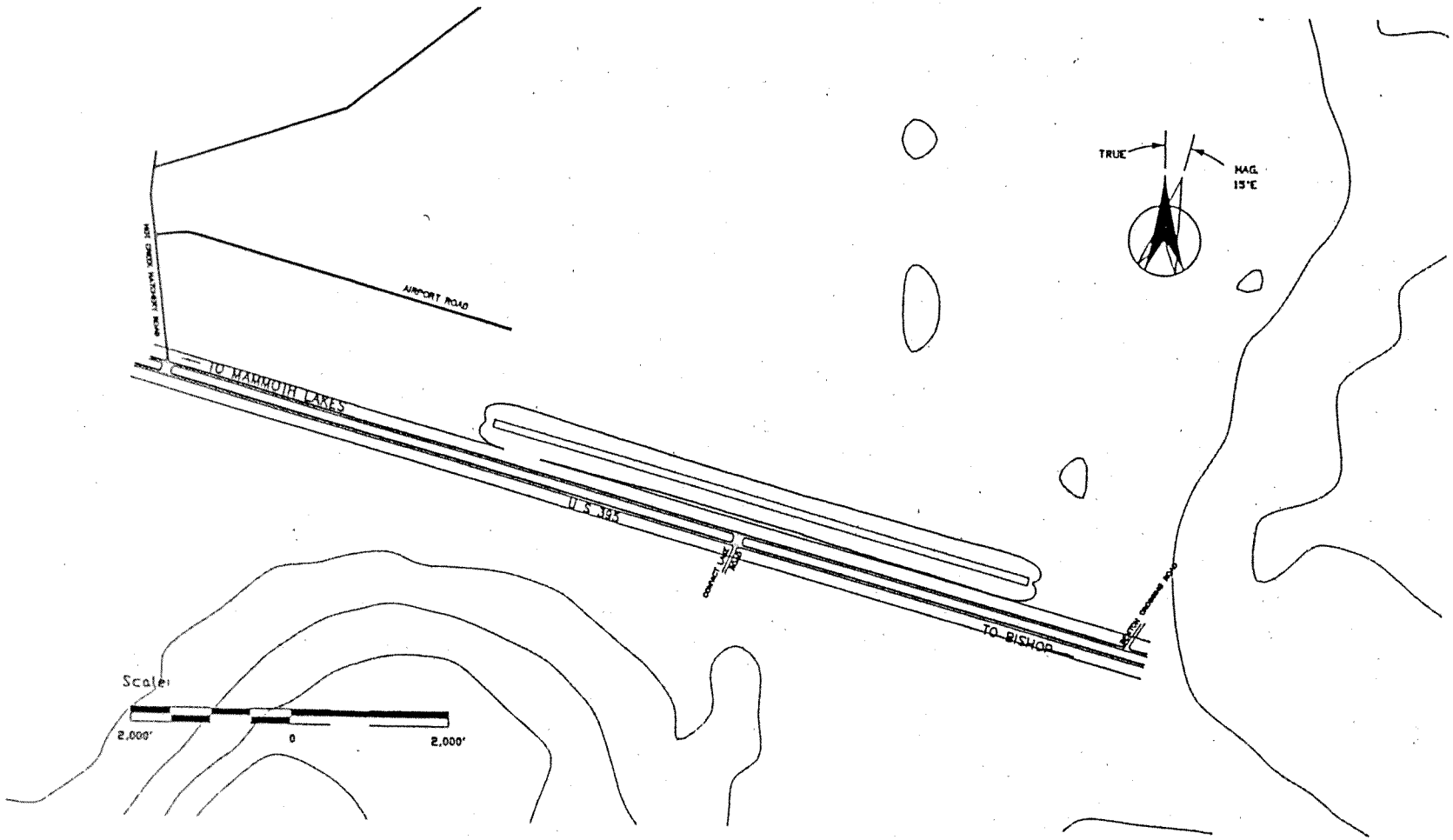
As discussed in Section 3.3.2.2 of the Supplement, noise analysis was also done to compare single-event noise analysis for sage grouse lek site 2. This analysis showed that the B-757 aircraft would produce less single event noise than aircraft in the existing fleet and flight patterns at the Airport.

In addition to the noise exposure maps in the Supplement, a grid point analysis was conducted to evaluate potential changes in noise exposure at specific points in the vicinity of the Airport as described on Page III-87 of the Supplement. These areas, as shown on Exhibit III-21 of the Supplement, include the Hot Creek State Fish Hatchery, the Hot Creek Ranch, the planned hotel/condominium complex on Airport property and SNARL. Table III-15 in the Supplement summarizes the CNEL values calculated by the Integrated Noise Model (INM) for the proposed project at these locations. None of these facilities are located within the existing or future CNEL 65 noise exposure area for the proposed project. Although each grid point would show some increase in noise exposure levels with the proposed project, the noise exposure levels remain low both in general and in the context of the existing land use at that grid point. It is anticipated that these areas would also not experience direct overflights of air carrier jet aircraft because the planned operating procedure is for air carrier jet aircraft to arrive on a straight-in arrival procedure from the east and depart using an initial turn to the south, away from these development areas for departures to the west.

Response to Comment B-10

The Supplement's conclusions in this regard are based on the project's net additions of various pollutants to the existing air quality context, as well as in comparison to the existing pollutant loads in the region. (*See* Supplement at III-21, III-25, III-28.) That the project will reduce pollutants by reducing car trips and vehicle miles traveled is an important part of this analysis and conclusion.

Please also see Responses to Comments I-40 and FF-2.

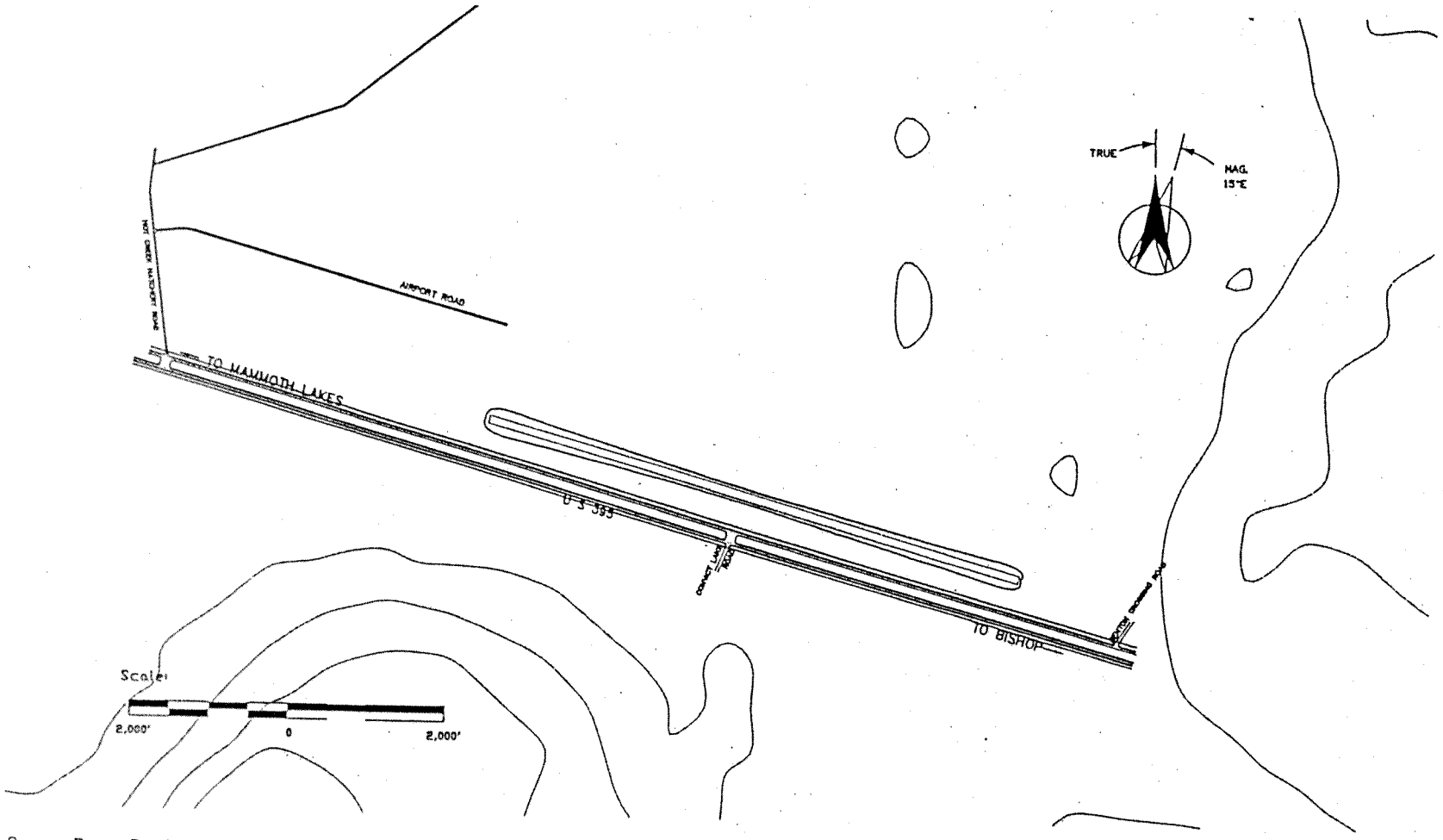


Source: Brown-Buntin Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-4

not to scale

Noise Exposure Map - 60dB CNEL
U.S. Highway 395 and Mammoth Yosemite Airport - CY 2002 - 7000' Runway

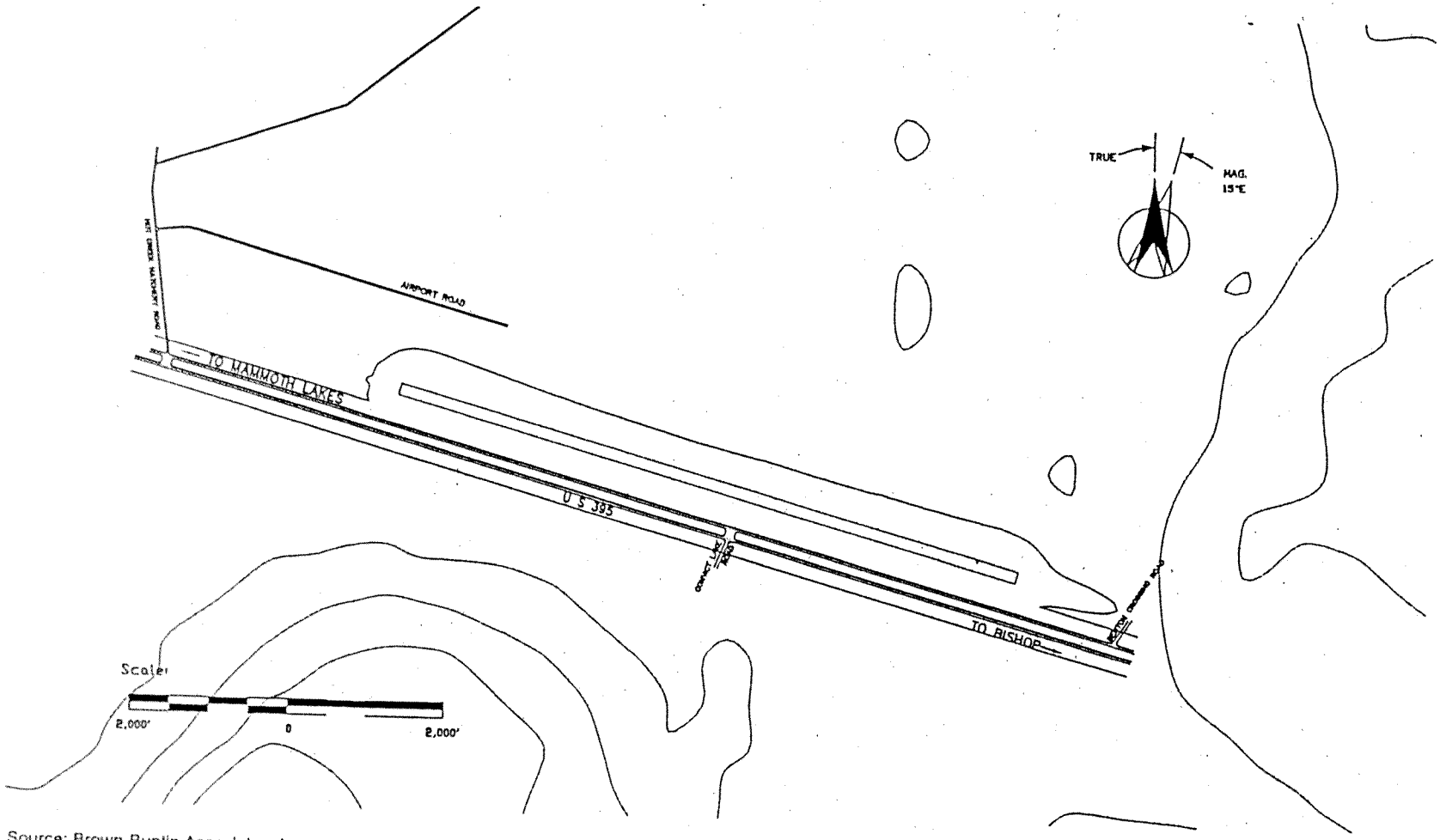


Source: Brown-Buntin Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-5

not to scale

Noise Exposure Map - 65dB CNEL
U.S. Highway 395 and Mammoth Yosemite Airport - CY 2002 - 7000' Runway

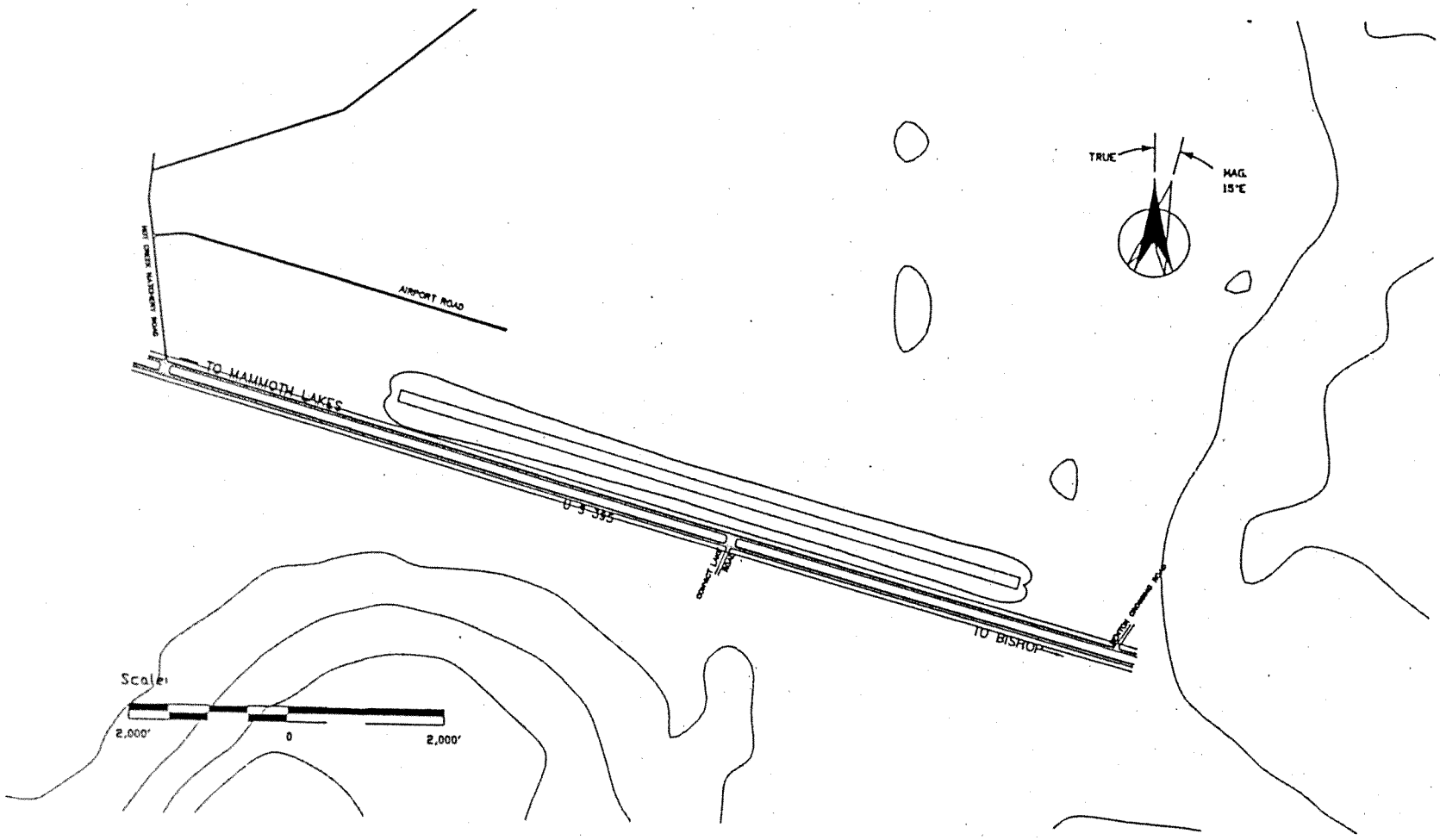


Source: Brown-Buntin Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-6

not to scale

Noise Exposure Map - 60dB CNEL
U.S. Highway 395 and Mammoth Yosemite Airport - CY 2022 - 8200' Runway



Source: Brown-Buntin Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-7

not to scale

Noise Exposure Map - 65dB CNEL
U.S. Highway 395 and Mammoth Yosemite Airport - CY 2022 - 8200' Runway

Response to Comment B-11

The comment does not accurately reflect the cumulative impacts analysis included in the Supplement. In addition to the two projects selected for cumulative impacts analysis, the Supplement analyzes a broader range of potential cumulative impacts for potential traffic, biological, and air quality impacts and, as for other impact areas, concludes that there will be no significant cumulative impacts from the changed project. (*See* Supplement at III-60 through III-61; ES-3 through ES-7.) Nonetheless, the Town has prepared additional, clarifying cumulative impact analysis. Please see Response to Comment A-2.

The original selection of projects for the cumulative impact analysis in the Supplement was based on the principle set forth in CEQA Guideline 15130 that an EIR should discuss the potential cumulative impacts of other projects that, when combined with the subject project, could result in a cumulatively considerable incremental effect. In the supplemental EIR context, this principle focuses on the potential impacts from changes in the project since the certification of the previous EIR, when those changes are considered in conjunction with other past, present, and future projects. (See CEQA Guideline 15130(a)(1).) CEQA Guideline 15130(b)(1) lists factors to include when considering whether to include a potentially related project in a cumulative impacts analysis. That list includes the location of the project relative to the location of related projects and the type(s) of possible related project(s) and the resources potentially impacted. With respect to location of the projects considered for possible inclusion in the Supplement's cumulative impacts analysis, the Town determined that only the two projects selected shared the common potential environmental impacts with the changes to the Airport project that could together lead to potentially significant adverse cumulative environmental impacts. The other seven projects are located many miles from the Airport and the Town concluded that they would have no significant cumulative impacts on any of the environmental categories being analyzed for changes to the proposed project in the Supplement. For example, Sherwin Bowl Ski Area located six miles west of the Mammoth Yosemite Airport, is currently on hiatus and has an uncertain future. The 1997 Record of Decision for the project determined that the project would result in an unavoidable loss of habitat for mule deer, but concluded that the impacts were reduced to an acceptable level by mitigation measures including: restrictions on construction timing, vegetative screening, restrictions on fencing, official habitat improvements, and monitoring. Thus, given the distance between that project and the Airport, and these conclusions, the Town determined that it was not necessary under CEQA Guideline 15130 to include the Sherwin Bowl project in the cumulative impact analysis for the Airport.

Response to Comment B-12

The reader should again refer to the scope of the Supplement, which is limited to the potential impacts from the proposed changes in the project since the certification of the previous 1997 Subsequent EIR/EA and the 1986 EIR/EA. (See Supplement at Page i.) The current proposal would allow for scheduled jet service similar to the proposal analyzed in the 1997 Subsequent EIR/EA. Because there has been no substantive change in the nature of the proposal since 1997, there can be no additional potential growth inducing impacts over those analyzed and found to be less-than-significant in the prior EIRs. (See Supplement at Section 5.3.)

In the 1980s, when Mammoth Mountain Ski Area experienced over 1.5 million annual skier days, Mammoth was accessible primarily by car, although there were some commercial flights available at

that time. The skier day levels have since declined to under 900,000, even during periods when commercial flights were available. Traffic levels on U.S. Highway 395 have not reached the full capacity of the roadway and access to Mammoth Lakes is not a limiting factor to growth. Therefore, enhancing alternate access opportunities to the region does not eliminate an obstacle to growth. The proposed Airport improvements do upgrade an existing commercial aviation facility and support an alternative method of transportation to the Mammoth Lakes area, but the Airport project does not create access that was not previously there. The proposed Airport improvements and enplanement levels are also consistent with the skier levels identified in the General Plan. [*Town of Mammoth Lakes General Plan,* 1987.]

Previous environmental analyses of the proposed project determined that the project is not growth inducing. Comments on the Supplement were received indicating concern that Airport development would accelerate the rate of development and, therefore, would be growth inducing. Even if that were the case, an analysis based upon this assumption still finds that no significant adverse environmental effects result. This finding is supported by the Supplement and as described below.

As set forth in Section 5.3 of the Supplement, the re-introduction of air carrier jet service to Mammoth Yosemite Airport[1] would not of itself cause or induce tourism or residential growth in the Mammoth Lakes area. The potential increases in tourism and residential growth in the area are anticipated in the General Plan and are separate from the Airport improvements, and do not rely on them. These increases are anticipated to occur regardless of the Airport project. (See Supplement at Section 5.3.) In fact, they are already occurring. (Id.) Also, improvements to the Airport are needed regardless of this additional development, to serve the existing population, which is currently a three- to six-hour drive from many services and amenities. Thus, there is no causal relationship between the proposed project and the anticipated growth. That disconnect demonstrates that the project, and even more clearly that the proposed changes in the project since the prior EIR was certified, are not "growth inducing."

The Mammoth Lakes vicinity is severely limited in its potential to grow for reasons unrelated to the Airport and, consequently, neither the Town of Mammoth Lakes nor the federal land management agency management plans for any notable additional growth in the vicinity of the Airport. Most of the non-federal land within the town limits of Mammoth Lakes has been developed and the Town has adopted an urban limits policy that controls development outside of that designated in the General Plan. Outside of the Town, Mono County is 96 percent government controlled land with the majority of private land being more than a 50-mile drive from the Airport. Without substantial changes in federal policy related to development of public lands, there is no opportunity for significant induced growth. Thus, factors other than access constraints, will keep the Mammoth Lakes area from growing noticeably beyond the previous levels of visitation, regardless of the Airport improvements.

Appendix G of the CEQA Guidelines sets forth specific criteria for determining whether a project will have potentially significant impacts. The criterion relevant to growth-inducing impacts further demonstrates that the Town's conclusion here is appropriate under CEQA. That criterion states that a project may have a significant growth-inducing impact if it "[i]nduce[s] substantial population

[1] The project represents a "re-introduction" of air carrier service to the Airport because commercial air carriers operated at the Airport until 1995. In fact, United Express operated a service to Fresno in 1993 and 1994 that was discontinued due to passenger dissatisfaction, because the flights were frequently overbooked. That demonstrates that there is already latent demand for air carrier service to Mammoth, which also shows that the project is not growth-inducing, but instead accommodates existing demand.

growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)." (CEQA Guidelines at Appendix G, § XII(a).) The proposed project does not directly induce substantial population growth because it only includes a few new residences and a small commercial component. These new residences and commercial components were analyzed in the 1997 Subsequent EIR/EA and are not changed as part of this Supplement. The Airport improvements also do not indirectly induce growth because they do not extend infrastructure in a way that allows something that could not, or did not, already exist to be created. Commercial air service existed previously with the current Airport. The proposed improvements are only necessary to accommodate the airlines' safety requirements and to provide an alternative to existing means of accessing the Mammoth Lakes area - the automobile.

In summary, the proposed Airport improvements are specifically designed to serve the anticipated demand from existing recreational and residential development with capacity to accommodate development under the General Plan should it occur. The Airport project is consistent with the General Plan, and any additional development near the Airport is severely constrained by the lack of available, privately owned land. The proposed Airport improvements assist in reducing future automobile travel, thereby providing an environmental benefit. For all these reasons, the project, and particularly the changes in the project since the certification of the previous 1997 Subsequent EIR/EA, will not have significant growth inducing impacts.

California Regional Water Quality Control Board
Lahontan Region

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November 21, 2001

FILE No.: 6B260111N01

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Sacramento, CA 95812-3044

COMMENTS ON THE DRAFT SUPPLEMENT TO SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SSEIR), STATE CLEARINGHOUSE (SCH) NO. 2000034005, MAMMOTH YOSEMITE AIRPORT EXPANSION PROJECT, MONO COUNTY

California Regional Water Quality Control Board (Board staff) has reviewed the referenced SSEIR, dated October 5, 2001, for the proposed Mammoth Yosemite Airport Expansion Project and have the following comments.

Background

The SSEIR was written in response to concerns raised during circulation of previous environmental documents and to incorporate revisions to the proposed project; including:

1) extending the existing runway by 1,200 feet and widening by 150 feet;
2) replacement of an existing 4.8-foot-high barbed wire fence with an 8-foot chain link security fence;
3) construction of a new package wastewater treatment plant;
4) updating an aviation demand forecast; and
5) relocation or replacement of the "Green Church" building.

The SSEIR does not supercede the 1997 Subsequent Environmental Impact Report (SEIR) or the Federal Environmental Assessment (EA). The evaluations of the SEIR and EA have not changed based on information presented in the SSEIR.

General Comments

The SSEIR should be as complete and scientifically accurate as possible in order to support the conclusions of the SSEIR. In reviewing the SSEIR, Board staff find that the evaluations and resulting conclusions are not based on a thorough understanding of the area's hydrogeology or background water quality. Both the quality and quantity of data used in the evaluation of the Hydrology, Water Supply, and Water Quality were insufficient to adequately evaluate the potential impacts resulting from the proposed project. C-1

Surface and ground water in the proposed airport complex and industrial park area flow toward Hot Creek Springs, Hot Creek Fish Hatchery, and Owens Tui Chub habitat. Cold Freshwater Habitat and Wildlife Habitat are both highly-valued beneficial uses that could be adversely impacted if the current high quality of the water is not maintained. Board staff are concerned that the project could adversely affect current high quality waters. High-quality water resources play a significant role in the health and viability of biological communities. Any adverse impact to these resources, such as decreased supply or contamination, will have significant adverse effects on those communities. These potential impacts need to be evaluated. C-2

Specific Comments

The following specific comments address the SSEIRs conclusions regarding water quality and quantity. Comments on the various categories will be addressed in the order presented in Table ES-1 of the SSEIR.

Category 3. Biological Resources

A United States Department of the Interior Fish and Wildlife Service (USFWS) letter, dated July 23, 2001 (Appendix J of SSEIR), states that a loss of ground water due to pumping could have severe consequences for Hot Creek springs (Hot Creek Fish Hatchery) and the Owens Tui Chub habitat. The USFWS evaluation was based on the 1997 estimate of maximum daily demand, for pumped water, of 16,000 gallons per day (gpd). This 16,000 gpd is, however, for the airport terminal only. The average daily demand for the airport complex is 54,760 gpd (1997 Mammoth Lakes Airport Water and Sewer Analysis). Furthermore, this daily average demand does not account for ground water usage by the industrial park. Board staff share the concerns of the USFWS that impacts from increased ground water pumping have not been fully defined and need to be further evaluated. C-3

The SSEIR concludes "no mitigation measures" are necessary for water resources (Section 3.3.3.4) under the Biological Resources Category because wetlands are absent. Board staff do not concur with this conclusion without valid scientific verification of no significant impact due to ground water pumping. C-4

The 1997 Mammoth Lakes Airport Water and Sewer Analysis (MLAWSA) was based on a single well test which is not enough data to thoroughly understand the aquifer system. Board staff feel that, at a minimum, ground water modeling should be performed to evaluate the potential for water quality impacts to biological resources due to ground water pumping. Data from steady state pumping tests, using several wells, should be developed and used to model the impacts of the ground water withdrawals necessary to provide water to all the identified water users. The modeling should also be updated, with quarterly data from airport pumping operations, to predict if any future over draft situations would arise that could have adverse impacts to Hot Creek springs and the Owens Tui Chub habitat. The effects of ground water pumping and surface water diversion on wetlands at the project site should also be evaluated. The SSEIR should also identify appropriate monitoring to evaluate the effects of the project if implemented. C

Board staff concur with the conclusion that no wetlands will be impacted (Section 3.3.4.4) by airport expansion. The only wetlands area delineated at the airport is southeast of the existing runway. This area is not part of the proposed runway expansion. If the airport decides in the future to expand in this area, then further review by Board staff will be necessary to determine possible impacts to the wetlands.

Category 5. Soil/Land Transformation

The SSEIR briefly discusses issues of stormwater control, both temporary and permanent, in Category 5 and 6 (Sections 3.5 and 3.6 of the SSEIR). A more in-depth discussion of on-site stormwater issues needs to be included in the SSEIR. Topographic maps identifying potential surface run-off routes for stormwater along with identification and proposed locations of critical Best Management Practices (BMPs) control measures should be identified in the SSEIR. C-6

The excavation for the permanent drop inlets should be geologically logged and a representative percolation rate determined for each location. Board staff request that drop inlet logs and percolation rates be submitted to the Regional Board for review. C-7

Before construction begins, the Project Proponent is required to file a Notice of Intent (NOI) and obtain coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit to Discharge Stormwater Associated with Construction Activities* (Water Quality Order No. 99-08-DWQ). The NOI must be submitted to the Stormwater Unit at:

State Water Resources Control Board
Division of Water Quality
Storm Water Unit

P.O. Box 1977
Sacramento California 95812-1977
(916) 657-0919

The project must be designed and constructed to include both temporary (during construction) and permanent measures to ensure compliance with the General Permit requirements. C-8

Category 6. Hydrology, Water Supply, and Water Quality

The airport is located upgradient of Crowley Lake and Upper Owens River. These two water bodies are listed on the Environmental Protection Agency's Section 303(d) list of Impaired Water Bodies (impaired by excess nutrients). Long-term operation of the airport complex has the potential to contribute nutrients, along with petroleum products, via stormwater runoff to these water bodies. As part of project's evaluation, the SSEIR must consider potential cumulative effects of the proposed project, including water use requirements of the surrounding area. C-9

The SSEIR concludes, in Section 3.6.2 , that the available water supply far exceeds demand based on the MLAWSA and a single well test from 1986 which yielded a calculated transmissivity of 73.92 acre-feet per year per foot. (The units for T are ft^2/d, or gal/day/foot.)

The SSEIR also estimates that the recharge to the aquifer in the airport area to be 7,500 acre-feet/year. This recharge is purported to supply the ground water. Additionally, the SSEIR states that pumping would be done from the Convict Creek drainage system, which is downgradient from the Mammoth Creek/Hot Creek Basin, so there would be no impact to the Hot Creek Basin. SSEIR also states (ES-5) that using BMPs would mitigate any potential water quality impacts from hazardous materials used on site.

The conclusions of no significant impact and no significant impact with mitigation on water quality, supply and hydrology (in Section 3.6) are based on the 1997 SEIR and EA certification and on the SSEIR. These conclusions imply that the requirements of the California Environmental Quality Act (CEQA) have been met. Board staff do not concur with the conclusions and implications of Section 3.6. and are of the opinion that the CEQA analysis is inadequate. C-10

Based on the paucity of evidence presented, the statement that recharge water would be available for pumping (Section 3.6.1) may not be valid. Wells in the area draw water from a depth of 200 feet and recharge to this depth would depend on many factors, mainly the characteristics of the vadose zone, in order for recharge of the aquifer to occur. No data were provided to determine the time necessary for rainfall and runoff from snow melt to recharge the aquifer. Furthermore, subsurface recharge (from upgradient sources) may not be sufficient to reach the predictions in the SSEIR.

Recharge of sewage effluent from the proposed package treatment plant discharging to a leach field would develop a relatively constant head to drive a wetted front downward through vadose zone. However, recharge would only occur in a specific area and it has not been determined whether this areas is hydraulically connected to the zone being pumped or whether this would even be desirable. Impacts from discharge of waste from the wastewater plant also need to be evaluated. C-

The description of potential impacts due to pumping from the Convict Creek Watershed assumes there is no hydraulic connection with the Mammoth Creek/Hot Creek Watershed. It is also assumed that, under long-term steady-state conditions, no subsurface hydraulic connection would be established. Sufficient data were not provided to support this assertion. Until the area's hydrogeology is sufficiently defined and aquifer characteristics quantified, there is no way to establish whether there would be an impact on the Mammoth Creek/Hot Creek Basin from ground water pumping in the Convict Creek Basin. C-12

The estimated ground waster usage of 17.94 acre-feet per year (16,000 gpd) was for the airport terminal only. When the pumping demands for the hotel, restaurant , and condominiums are added, the annual average demand is 60.4 acre-feet (from the MLWSA). This figure does not include the industrial park use or other surrounding uses. The SSEIR concludes that the area aquifer can supply 73.92 acre-feet/foot, annually. However, this supply estimate is based data from the single well test and does not include any long-term water level data which would include both wet and dry years. It is difficult to assume that the aquifer's characteristics can be accurately determined with such limited data and Board staff do not believe the estimated yield from the aquifer is supported by the data provided. In order to provide an accurate, scientifically valid evaluation of water usage and supply, the existing and projected operational conditions and hydrogeology must be thoroughly characterized. The SSEIR and other documents have not provided sufficient data to provide this characterization. C-13

Regarding potential hazardous material spills, the use of BMPs at the airport will mitigate against hazardous materials contamination only if the BMPs are adequate and effectively implemented. A review of the proposed *Spill Prevention Control and Countermeasures Plan* found the Plan to be inadequate. C-14

It is the Board staff's opinion that the SSEIR does not fulfill the requirements of CEQA. The surrounding area and airport complex cumulative environmental impacts have not been adequately evaluated to assess any potential impacts to water quality. We request the SSEIR be revised and re-issued as a draft incorporating responses and providing additional information to fully evaluate potential impacts of the project. C-15

If you have any questions, please telephone me at (760) 241-7353, or Cindi Mitton at (760) 241-7413.

Sincerely,

Douglas E. Feay, R.G.
Associate Engineering Geologist

cc: Attached Mailing List

DF/rp MamYosAirptSSEIR

AR 001591

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C. California Regional Water Quality Control Board - Lahontan Region

Response to Comment C-1

The commentor incorrectly asserts that the quality and quantity of data used in the evaluation of the Hydrology, Water Supply, and Water Quality was insufficient to adequately evaluate the potential impacts resulting from the proposed project.

The Supplement used data from various sources to analyze the hydrology, water supply, and water quality impacts of the proposed project. These data have been explained in more detail at the request of Lahontan Regional Water Quality Control Board (commentor), in addition, at the request of the commentor well tests were conducted in January 2002. The results of these tests are included as Attachment B to these Response to Comments. [*Analysis of 96-hour Aquifer Test Data, Mammoth Yosemite Airport, Mono County, California*, Report dated February 8, 2002, by Richard C. Slade & Associates.] These additional tests reaffirm the Supplement's analysis that there are no significant impacts on hydrology, water supply, or water quality due to the construction of improvements at Mammoth Yosemite Airport proposed since the prior 1997 Subsequent EIR/EA was completed.

Consistent with CEQA Guidelines (Appendix G), Section 3.6 of the Supplement discusses the following items to analyze the potential impacts of the proposed project.

Surface Topography and Underground Water

As discussed in the Supplement, there are three surface drainage systems in the vicinity of the Airport. (See Supplement at Exhibit III-16.) **Exhibit N-8** shows the general topography in and around Mammoth Yosemite Airport, and shows that the surface runoff flows in an easterly direction. The area west of the Airport is within the western portion of the Mammoth Creek/Hot Creek watershed of the Mammoth Basin drainage system. The area south of the Airport is within the Convict Creek watershed. The drainage divide between the Mammoth Basin and Convict Creek watersheds passes through the westerly portion of the Airport. The third drainage divide lies east of Doe Ridge and flows into Crowley Lake.

The existence of the watershed divide between Mammoth Basin and Convict Creek Basin does not mean that a ground water basin divide also exists in the same place. (See Responses to Comments in 1997 Subsequent EIR/EA.) The groundwater gradient in this area is different than the surface water gradient. The groundwater gradient flows across the watershed divide in a southwest to northeast direction, from Mammoth Creek/Hot Creek water shed to the Convict Creek Watershed. (See 1986 EIR/EA at, Figure 18, *Area Groundwater Levels*.)

The Response to Comments for 1997 Subsequent EIR/EA contain exhibits showing groundwater gradient for the year 1987 and 1996 respectively. These data were obtained from Howle and Farrar (1996) and from a report entitled, "Groundwater Conditions and Potential Reuse of Reclaimed Water at Mammoth Lakes" by Kenneth Schmidt and Associates (October 1996).

Water Wells

In 1998 and 1999 three new water wells (Nos. 98-1, 99-1, and 99-2) were drilled on the Airport property. See **Exhibit N-9** for location of these wells. The results of these pumping tests, and water quality tests are supported by tests done in January 2002.

Well No. 98-1 is located west of the other two wells and Well No. 99-1 is the most easterly well. The grade of the surface of the blue clay gradually slopes from west to east. Pumping tests were conducted on both Wells 99-1 and 99-2. The water quality tests showed satisfactory primary drinking water. There were fairly high levels of iron, aluminum and zinc, which appeared to be attributable to sediments found in the samples, and it was anticipated that with usage these sediments would decrease. Water from these wells has been used since 1999 in the Airport system and the water has proven to be good quality for domestic use.

In January 2002, at the request of Lahontan Regional Water Quality Control Board (RWQCB) a pumping test was conducted on Well No. 99-1. Well No. 99-2, the Airport well, LV-19, SNARL Well, Church Well, ESN Well, and SQ Well were used as observation wells and are shown on Exhibit N-9. The purpose of these pump tests was to determine the transmissivity[2] of the soil, the capacity of the well, the draw down of the water table due to pumping, and the rate of recovery after pumping stopped. These tests were conducted by Triad/Holmes Associates and Richard C. Slade and Associates and support the results of previous studies, which indicated that there would be no significant impacts on hydrology, water quality and water supply in the region due to the needs of the proposed Airport improvements. (See Attachment B to Response to Comments.)

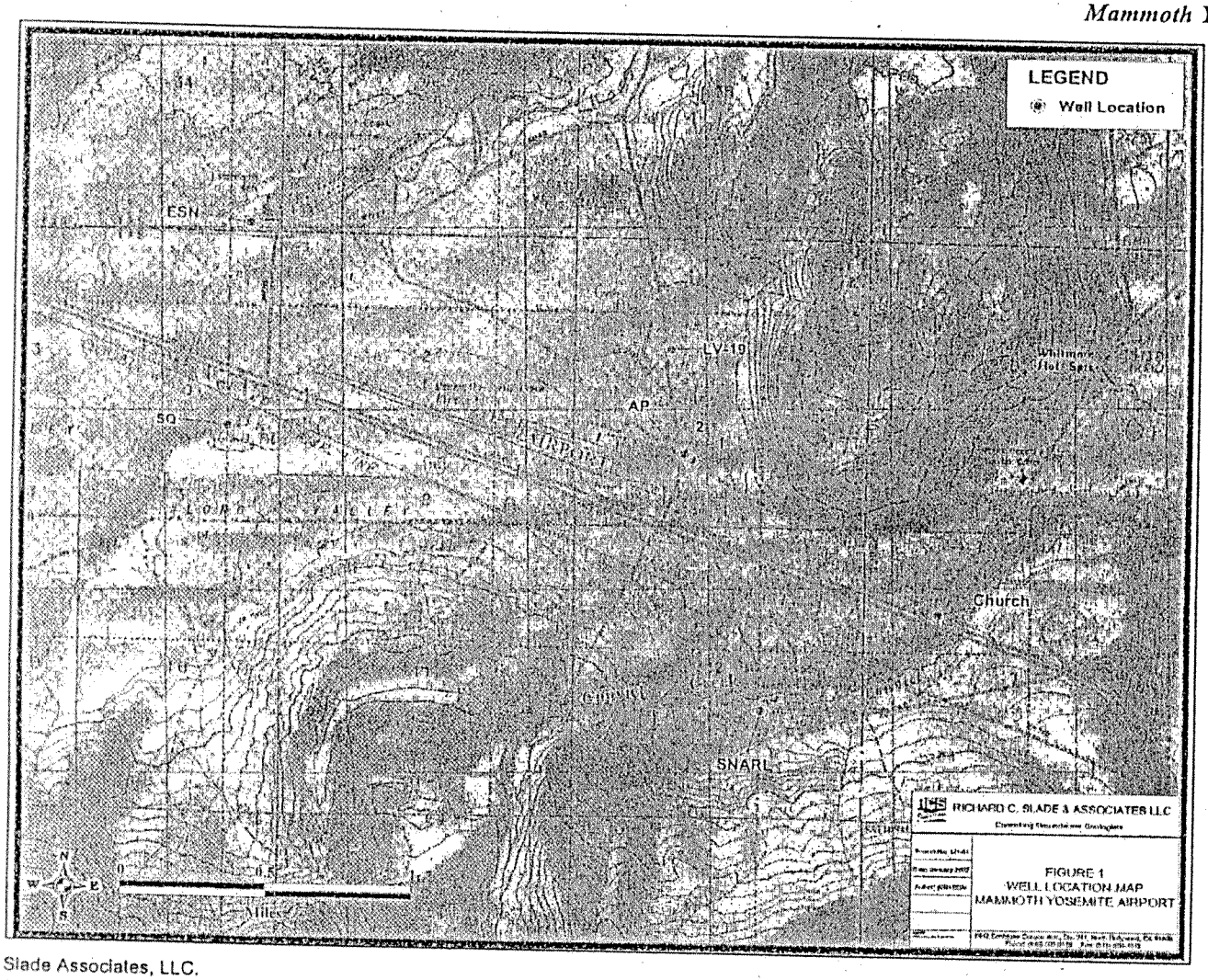
These studies demonstrate that there are three separate aquifers in the Airport influence area. The upper aquifer extends from the ground surface to a depth of approximately 60 feet. The middle aquifer extends from a depth of approximately 100 feet to 136 feet. The lower aquifer extends from a depth of 270 feet to 409 feet. The upper two aquifers, in a cobble, gravel and sand soil, produce cold, quality water. The lower aquifer, in a broken rock formation, produces warm water that smells of sulfur and is apparently of geothermal origin. The upper two aquifers are separated by a cobble clay layer. The lower two aquifers are separated by a gray blue clay layer. Airport Wells No. 99-1 and 99-2 draw from the middle aquifer and the operating Airport well, and wells on other properties surrounding the Airport appear to draw from the upper aquifer.

The pumping test showed shallow draw down in the well being pumped and even less draw down in the adjacent Airport well used as an observation well. The draw down occurred rapidly after pumping started, but full recovery occurred within a short time period after pumping stopped. The transmissivity was high.

These tests indicate a large water quantity in the aquifer being pumped, resulting in a minimal draw down and rapid recovery after the tests have ended. The tests showed no effect on groundwater in the upper aquifer therefore it can be concluded that other wells in the area which are at greater distance from the Airport wells and appear not to be in hydraulic continuity with the Airport wells would not be affected even if the pumping is at higher rates and for longer duration of time (much greater than the 4-day aquifer test).

Typical geologic cross sections were prepared by Triad/Holmes and Associates showing the generalized geological formation of the upper soils in this region. These sections are included in Attachment C to Response to Comments.

[2] Transmissivity (T) is a measure of the ability of an aquifer to transmit water to a pumping well, and is expressed in units of gallons per day per foot of aquifer width (gpd/ft).



Source: Richard C. Slade Associates, LLC.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-9

not to scale

Well Location Map
Mammoth Yosemite Airport

Storm Water Discharge

Because of the porous soils on and adjacent to the Airport, no surface storm water currently runs off the Airport property or is expected to run off the Airport property as a result of the proposed improvements. The upper 60 to 70 feet of soil consists of cobbles, rock, and sand, which are pervious and storm water infiltrates directly into the surface stratum. All storm water from the runway/taxiway complex drains off the pavement to the soil at the edge of pavement and immediately infiltrates the ground. The proposed development includes widening and lengthening the runway and taxiway. The only effect on storm water runoff by this widening and lengthening would be a displacement of the point of entry into the ground by a maximum of 100 feet. All storm water that falls on the Airport and does not evaporate would percolate into the existing soil.

All storm water from the commercial aircraft parking apron, the future terminal building, and the automobile parking lot would be collected in a storm drainage system, discharged through an oil/water separator, and then discharged into the ground in a leach field. See Exhibit N-8 for location of leach field. Ever since Mammoth Yosemite Airport was paved and expanded in the 1960s there has been no evidence of any storm water runoff leaving the Airport property. There would be no significant impacts due to materials on the runway being washed over the side and into the soil with storm water due to the relatively small increase in the quantity of these materials as the changes in the proposed project do not increase the total number of aircraft operations. In fact, the total number of aircraft operations is less than what was forecasted in the 1997 Subsequent EIR/EA.

The runways and taxiways are crowned in the center and all runoff from the pavement drains from the center of the item to the pavement edge. Observations have shown that in the rainy season the water infiltrates the sand and gravelly soil soon after leaving the pavement. The lack of any erosion in the sand and gravelly soils beyond the pavement edges is further evidence of high percolation. In the spring, while the ground is still frozen and the snow piled in the infield areas of the Airport by snow plowing operations melts, some water will accumulate in the areas between the runway and taxiway but this water quickly infiltrates the soil when the ground thaws. Even in these conditions there is no storm water runoff from Airport property.

All of the storm water that now falls on the paved aircraft and automobile parking areas is collected in a storm drain system and discharged into a leach pit. This leach pit is approximately 10' x 20' x 6' deep and it has never been observed to be full of water, and any water that accumulates in the leach pit infiltrates into the soil immediately after the storm.

Surface water does not and would not, as a result of the proposed project, drain off the Airport property. Therefore the Hot Creek Springs, Hot Creek Fish Hatchery and the Owens tui chub habitat would not be affected by storm water runoff from the Airport.

Sewage Treatment

As specified in Section 3.6 of the Supplement, a new package treatment plant would be installed on the Airport and would be located as shown on Exhibit N-8. This treatment plant would be sized to accommodate current and forecast use. The design and maintenance of this package treatment plant would be in accordance with the requirements and regulations of the RWQCB and Mono County Health Department. The proper permits for the discharge of waste would be obtained from these agencies prior to the installation of these facilities. No wastewater disposal system would be within 100 feet of a stream or in areas where groundwater is believed to be less than five feet below the

surface of the ground. The discharge of either treated or untreated wastewater to streams would be prohibited. Wells to sample groundwater would be provided to monitor both performance of the subterranean wastewater disposal and to access adverse water quality impacts. Treated discharge from the treatment plant would be discharged into the upper gravel layer through a leach field. Sludge from the sewage treatment plant would be disposed of at the Benton Crossing Land Fill. This facility already accepts sludge from the Mammoth Community Water District. A complete report of waste discharge for the package treatment plant would be filed with Regional Board staff at least 120 days prior to plant construction.

Conclusions

All water at the Airport for irrigation and domestic use would be obtained from Well 99-1 and Well 99-2 pumping from the middle aquifer and carried through the existing and future water system, including the existing storage tank. All water used, except for the landscaping water, would be delivered back into the upper stratum of gravelly soil at the sewage treatment plant leach field. Some water used for irrigating landscaping would return to the atmosphere by evaporation or transpiration. It is anticipated that in an average year, eight to nine acre-feet of water would be used for landscaping. Storm water would be returned to the upper stratum of sand and gravel. Water from the runway and taxiway complex would be returned to the upper stratum of sand and gravel at the edge of the runway/taxiway, which would be within 100 feet of the location where it falls. Storm water from the apron, terminal, and parking lot would be returned to the upper sand and gravel stratum at the storm water leach field area.

The sewage treatment plant leach field infiltration area and the apron storm water leach field infiltration area are both located between the active water wells and the Hot Creek Fish Hatchery and Hot Creek Springs and Owens tui chub habitat. The net effect is expected to result in some groundwater draw down in the center aquifer at the wells and some groundwater build up in the upper aquifer at the leach fields. The build up should not be extensive since the soil is so porous that water discharge would quickly dissipate. This build up, however, would protect the water supply at the Hot Creek Springs and the Hot Creek Fish Hatchery from being depleted or the groundwater from lowering.

Response to Comment C-2

Please see Response to Comment C-1. The comment raises issues that were analyzed in the prior EIRs. The Supplement only analyzes the potentials impacts of the changes to the proposed project since the 1997 Subsequent EIR/EA. There should be no effect on the surface or groundwater at the Hot Creek Springs, Hot Creek Fish Hatchery, or Owens tui chub habitat. The water gradient is such that water infiltrating the groundwater would flow away from the Hot Creek Springs, Hot Creek Fish Hatchery, and Owens tui chub habitat, eliminating the risk of contamination of groundwater in these areas. (See Response to Comments in 1997 Subsequent EIR/EA.) Water quality of discharge of storm water and treated discharge would remain good because of sewage treatment and oil-water separator.

The well test conducted on the Airport Well No. 99-1 shows that the Airport wells draw from the middle aquifer while the wells and groundwater at the Hot Creek Springs, Hot Creek Fish Hatchery and Owens tui chub habitat areas are influenced by the upper aquifer. (See Attachment B to these Response to Comments.) Pumping from the Airport well for four days at a rate higher than predicted average discharge from the two Airport wells, 45 gallons per minute (gpm) showed no draw down in

the wells located in the upper aquifer and only minor local draw down in the middle aquifer. After pumping was stopped in the well test, full recovery was rapid, indicating a high porosity aquifer and a large water supply.

All recharge of storm drain water and treated sewage discharge would be to the upper aquifer, which would tend to raise the groundwater table at the Hot Creek Springs and Hot Creek Fish Hatchery rather than lower it.

The operation of the Airport water wells and sewage and drain water treatment facilities is not expected to have any detrimental effect on the water supply, water quality, or discharge at the Hot Creek Springs, Hot Creek Fish Hatchery and Owens tui chub habitat.

Response to Comment C-3

Please see Response to Comment C-1. The average daily demand for the Airport complex, including the Airport facilities and the commercial developments, is 54,760 gallons per day (gpd), which is roughly equivalent to 38 gpm. The average daily demand for the Sierra Business Park located north and west of the Airport is 13,508 gpd (9.4 gpm)[3]. The wells providing water to the Sierra Business Park draw from the upper aquifer as explained in Response to Comment C-1. The wells that would serve the Airport draw from the middle aquifer. The well tests conducted on the Airport wells showed no draw down on the wells surrounding the Airport that draw from the upper aquifer and only local minor draw down in the water level for the middle aquifer. The Airport wells draw from a different aquifer than the other wells. The total demand for both the fully developed Airport and fully developed Sierra Business Park is 47.4 gpm.

The Airport test well was pumped at a rate of 45 gpm continuously for four days, which represents 118 percent of the average daily demand for the fully developed Airport. This pumping test showed high transmissivity values, small and local draw down, and very rapid recharge after pumping stopped, indicating a large supply of water in the aquifer and only minor draw down even after extended periods of time. (See Attachment B to these Responses to Comments.) The tests also indicated that pumping from the middle aquifer at the Airport had little or no effect on the water levels in the upper aquifer. These tests support the previous available data and the conclusion in Section 3.6 of the Supplement that there is an adequate good quality water supply in the aquifer which would not be effected by the proposed project and there would be little or no effect on the water currently available for use at the Hot Creek Springs and Owens tui chub habitat.

Rain falling on the runway and taxiway paved surfaces would flow across the pavement to the edge of the pavement and then would infiltrate into the pervious soils that form the upper aquifer. The surface waters from the commercial aircraft parking area, the automobile parking area, and the terminal building would be collected and disposed of in a surface drainage leach field and would recharge the upper aquifer. The treated sewage discharge from the package treatment plant would also recharge the upper aquifer. The quality of the water discharged from the sewage treatment plant would be controlled by the operation of the plant itself. The quality of the water from the storm drainage system would be controlled by passing the water through an oil/water separator prior to discharge into the leach field. Therefore, water quality will not be adversely affected by the proposed project.

[3] *Sierra Business Park Specific Plan and Draft EIR* prepared by Baker Planning and Environmental Services dated July 21, 2000.

Due to the operations at the Airport, there would be some water pumped from the middle aquifer and deposited in the upper aquifer and all surface runoff would be re-deposited in the upper aquifer. The net effect would be a slight humping of the water table in the upper aquifer, which would protect the Hot Creek Springs and Owens tui chub habitat from water table degradation.

Response to Comment C-4

Please see Responses to Comments C-1 and C-3. As stated in Section 3.3.1.4, a wetlands analysis and delineation was prepared by the office of Jones and Stokes Associates, Sacramento, California along with a special-status species survey in a report entitled Biological Study for the Mammoth Yosemite Airport Expansion Project, September 2000. (See Supplement at Appendix I.) The results of these studies show that there are no waters of the United States, including wetlands, located on the project site for the proposed Runway 9-27 extension and the Airport development area. The information presented in the Responses to Comments C-1 and C-3 and in the Biological Study confirm the conclusion stated in the Supplement.

Response to Comment C-5

Please see Responses to Comments C-1 and C-3. A well test was conducted at the request of Lahontan Regional Water Quality Control Board (RWQCB) on one of the Airport wells using the other Airport wells and surrounding wells as monitoring wells. These tests were conducted continuously for a period of four days. The methodology, location, duration, and type of testing were all coordinated with the Victorville Office of the RWQCB Lahontan Region, and the tests were conducted in strict accordance with the agreed methodology. (See Attachment B to these Response to Comments.) The results of these tests corroborate previously available data and show that the Airport wells draw from the middle aquifer and transmissivity values are high and the quantity of water available in this aquifer is very large compared to the withdrawal, as was previously understood to be the case.

Response to Comment C-6

Please see Responses to Comments C-1, C-3, and C-5. There would be no effect of groundwater pumping and surface water diversion on wetlands at the project site because there are no wetlands on or near the proposed Airport improvements site. There is no surface storm water runoff from the site. There is minimal surface runoff diversion on the runway/taxiway complex – for a distance of approximately 100 feet. There is some diversion of runoff water from the apron and roadway section in that this water is collected in a storm drain system and discharged through an oil/water separator into a storm water leach field – approximate diversion of 2,000 feet. All of the storm water that drains off from the runways and taxiways and into the storm water leaching facility infiltrates the pervious sand, gravel and cobble layer and does not run off the site.

A series of percolation tests were conducted in 1999 for a study done for Hot Creek Aviation development project. These tests were done on the infield of both east and west end of the runway at Mammoth Yosemite Airport. These tests showed a high percolation rate at these sites ranging from 1 to 4 minute per inch (min/inch).

The following is a list of critical Best Management Practices control measures incorporated as part of the proposed project.

a. No oil changes or car maintenance would be allowed on-site.
b. No wastewater disposal system would be within 100 feet of a stream or in areas where ground water is believed to be less than five feet below the surface of the ground.
c. The discharge of either treated or untreated wastewater to streams would be prohibited.
d. Wells to sample groundwater would be provided to monitor both performance of the subterranean wastewater disposal and to access adverse water quality impacts.
e. Sewage effluent will be treated by a package plant that would provide secondary treatment with supplemental nitrate reduction.
f. All new pavements for the commercial aircraft parking apron, automobile parking lot, and terminal roadway will be designed such that all the drain water from these areas would be collected in inlets and pipe structures.
g. These drainwaters would be carried through an oil/water separator to separate any oils from the stormwater.
h. The discharge from the oil/water separator would be tested on a routine basis to determine the continuing effectiveness of this type of treatment.
i. To address accidental spills of fluids, such as aviation fuel the Town has adopted a Spill Prevention, Control and Countermeasure Plan for the Airport.

Response to Comment C-7

Permanent drop inlets proposed for the project would be shallow and are not expected to be deeper than eight feet, which would place all of the inlet structures in the upper gravel layer. The inlet structures would be watertight, as would the underground piping system in the apron and roadway, so that storm waters collected in these areas would be diverted to the oil/water separator before they are discharged into the leach field. The oil/water separator would be monitored and maintained in such a manner as to prevent hydrocarbon build up. The excavation for the inlet structures would be geologically logged if required. As discussed in Response to Comment C-6, percolation tests conducted on the soils in this area showed a high percolation rate, which is consistent with the lack of surface runoff of storm waters at this site.

Facilities would be available at the Airport for deicing aircraft. Fifty percent (50%) diluted glycol would be used for this purpose. The glycol breaks down readily and rapidly when exposed to the atmosphere, but to protect against any glycol contamination an area would be set aside on the apron for deicing aircraft. This area would drain to a central inlet structure. Piping from this inlet structure would be valved such that when deicing operations are taking place all of the glycol and drain water from the deicing area would be drained into a holding tank and at all other times the drain water would discharge directly into the oil/water separator and leach field. The glycol collected in the holding tanks would be trucked off site and properly disposed of or recycled at an approved location.

There would only be a few deicing operations at the Airport since most aircraft operations occur in Visual Flight Rule (VFR) weather, in which deicing is generally not required. During the past 8 to 10 years, there have only been three or four aircraft per year that required deicing. It is not expected that deicing requirements would increase, and the large airline aircraft proposed to use this Airport would generally operate in good weather conditions and would have short turnaround times, which would further minimize the requirement for deicing the air carrier aircraft.

Response to Comment C-8

As specified on Page I-9 of the Supplement, the Airport would file a Notice of Intent (NOI) and obtain coverage under the National Pollution Discharge Elimination System (NPDES) *General Permit to Discharge Stormwater Associated With Construction Activities.* This notice will be filed with the State Water Resources Control Board Division of Water Quality, Storm Water Unit, Sacramento, California. The project will be designed and constructed to include both temporary (during construction) and permanent measures to insure compliance with *General Permit* requirements.

Response to Comment C-9

Please see Response to Comment C-1. There would be no storm water runoff from the Airport in the future and there is no storm water runoff occurring today because of the high infiltration rate of the surface gravelly stratum. All water pumped from the groundwater, except that used for landscaping, would be recharged into the existing groundwater.

There would be little risk of contributing nutrients along with petroleum products via storm water runoff to Crowley Lake or the Upper Owens River since there would be no storm water runoff that reaches these water bodies.

Response to Comment C-10

Please see Response to Comment C-1. The pumping tests on the Airport well conducted in January of 2002, at the request of the Regional Water Quality Control Board, Lahontan Region, showed that the water from the wells is pumped from the middle aquifer, that this pumping does not affect the water table in the upper aquifer from which most other wells in the area draw, and that when pumped at the average water demand for full build-out of the Airport and the Sierra Business Park, only a small local draw down of water is realized. When pumping stops, the recovery is rapid. These data show high transmissivity values, a large supply of water available, and little or no effect on the groundwater in surrounding regions.

Response to Comment C-11

Regional Geological Maps and Geological Cross Sections for the area have been prepared by Triad/Holmes & Associates and are included in Attachment C to Response to Comments. These sections show the extent of the pervious layers in the region. The results of well tests conducted in January 2002 indicate the upper soils are separated into two aquifers by a relatively impervious cobbly clay layer. All water pumped from the Airport wells would be taken from the middle aquifer. Water recharge would be into the upper aquifer. Other wells in the area draw from the upper aquifer.

Response to Comment C-12

Please see Responses to Comments C-1 and C-11.

Response to Comment C-13

Please see Response to Comments C-1. The new well test conducted in January 2002 corroborate previously available data and clearly shows adequate supply of groundwater to satisfy Airport demands at full build-out, as well as the demands for the Sierra Business Park, without affecting wells on surrounding properties or groundwater characteristics in either the upper or middle aquifers.

Response to Comment C-14

The comment asserts that the existing Spill Prevention Control and Countermeasures Plan is not adequate. The comment fails to state, however, in what respects the Plan is not adequate or what it would need to include to become adequate. In any case, the Town has prepared a new plan, the draft of which is attached as Attachment D to Response to Comments. A Professional Engineer would certify this draft plan, once all the design elements of the proposed project at Mammoth Yosemite Airport have been finalized.

Response to Comment C-15

The lead agency believes that the information obtained from the tests conducted in January 2002 corroborates previously available data, which formed the basis of the analysis in the Supplement.

The Supplement analyzes the following items to determine whether there are potentially significant impacts on water from the proposed project.

- Creates or contributes runoff which would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted runoff;
- Violates applicable water quality standards or water discharge requirements;
- Substantially depletes groundwater resources or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of a local groundwater table level;
- Substantially alters the existing drainage network;
- Place within a 100-year flood hazard area, structures which would impede or redirect flood flows.
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

The information presented in the Supplement and in this response to comments clearly show that the proposed project does not have any significant environmental impacts Hydrology, Water Supply and Water Quality and do not meet any of the above items. Please see Section 3.6 of the Supplement for more details.

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
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Flex your power!
Be energy efficient!

Mr. William Taylor
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546

November 21, 2001

Dear Mr. Taylor:

Re: *Town of Mammoth Lakes' SDEIR (Prior SCH# 96112089) for the Mammoth Yosemite Airport Expansion Project; SCH# 2000034005*

The California Department of Transportation, Division of Aeronautics, reviewed the above-referenced document with respect to airport-related noise and safety impacts pursuant to CEQA. The following comments are offered for your consideration.

According to the SDEIR, the proposed improvements at Mammoth Lakes Airport are needed to allow the airport to support air carrier service. Since the improvements will include a runway extension, the Division of Aeronautics will require an amended State Airport Permit. The airport will not be allowed to have commercial service until the Division of Aeronautics has issued an amended permit. Please **amend** the EIR to include language stating the need for an amended airport-operating permit by the Division of Aeronautics. For assistance with the permit requirements, the applicant should also be advised to contact our Aviation Consultant for Mono County, Mr. Jim Michel, at (916) 654-5253. The plans to lengthen, strengthen and widen the runway and extend the taxiways should also be submitted to Mr. Michel for review. D-1

As part of the amended permit process, we must ensure that the proposal is in full compliance with CEQA. In addition to reviewing the draft EIR, we will also require copies of the Final EIR and the Notice of Determination should the project be approved. The proposal should also be submitted to the Mono County Airport Land Use Commission (ALUC).

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,

Sandy Hesnard

ANDY HESNARD
Aviation Environmental Planner

AR 001604

c: State Clearinghouse, Mono County ALUC, Mammoth Yosemite Airport

D. Caltrans Division of Aeronautics

Response to Comment D-1

A new State Airport Operating Permit would be obtained from Caltrans Division of Aeronautics before resumption of commercial air service at Mammoth Yosemite Airport. The Final Supplement will be provided to the Division of Aeronautics as will a Notice of Determination upon the Town of Mammoth Lakes action on the Project. The Mono County Airport Land Use Commission ("ALUC") is on the mailing list for all of the CEQA documentation made available to the public.

DEPARTMENT OF FISH AND GAME
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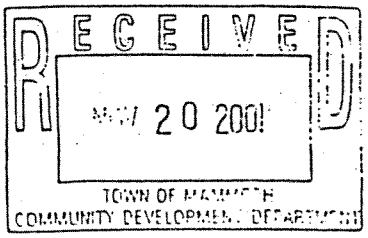

November 16, 2001

Mr. Bill Taylor
Senior Planner
Town of Mammoth Lakes
Community Development Department
P.O. Box 1609
Mammoth Lakes, CA 93546

Mammoth Yosemite Airport Expansion Project
Mammoth Yosemite Airport
Draft Supplement to Subsequent Environmental Impact Report
SCH # 2000034005
Mono County

Dear Mr. Taylor:

The Department of Fish and Game has reviewed the Draft Supplement to Subsequent Environmental Impact Report (SSEIR) for the Mammoth Yosemite Airport Expansion Project, SCH #2000034005. The revisions to the proposed project that are the subject of this SSEIR include four components: extension of the runway by 1,200 feet (rather than 2,000 feet); increase in runway width from 100 feet to 150 feet; replacement of an existing 4.8 foot barbed wire fence with an 8-foot chain link security fence, and construction of a new package wastewater treatment plant (instead of a leach field).

The Department is providing comments on this SSEIR as the state agency having the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code section 1802). The

Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department has written comment letters addressing the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) prepared by the Federal Aviation Administration for this project dated March 16, 2000, November 14, 2000, January 8, 2001, and April 19, 2001. We responded to the Notice of Preparation for this project on May 11, 2001. These letters are hereby incorporated by reference into this letter. E-1

Potential environmental impacts include, but are not necessarily limited to, increased noise and adjacent use impacts to Department hatchery operations and residences at the Hot Creek Fish Hatchery; direct loss of important wildlife habitat for mule deer, sage grouse, and mountain lion; indirect impacts to sage grouse foraging and nesting habitat and leks; increased mortality to sage grouse as a result of project fencing; disturbance to deer migration areas and increased road kills from project-related facilities and operation; disruption of seasonal foraging areas and patterns for raptors including bald and golden eagle, northern harrier, American peregrine falcon, Swainson's hawk, prairie falcon, American kestrel, red-tailed hawk, ferruginous hawk, rough-legged hawk, and other raptors; disturbance to nesting waterfowl and other aquatic and riparian birds; alteration in the quantity or quality of surface or ground water, including impacts to spring flow, habitat for Owens tui chub, and domestic water supply for Fish Hatchery residences.

The document discusses earlier environmental documents prepared for the project, and states that the only project changes which need to be discussed in this SSEIR include those mentioned in the opening paragraph above. However, CEQA Guidelines 15162 also provides that "no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:.....3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.....shows any of the following.....a) the project will have one or more significant effects not discussed in the previous EIR or negative declaration...". The Department believes that the new information of substantial importance which was not known and could not have been known at the time the 1986 EIR and 1997 Subsequent EIR were certified includes recent genetic investigations conducted by University of Denver indicating E-2

that the Mono County/Lyons County population of sage grouse is genetically distinct from other populations of sage grouse throughout its range, and therefore, is a small, isolated population which deserves careful management attention. This was not known at the time the 1986 and 1997 documents were certified. The awareness of the decline of sage grouse throughout its range, necessitating petitions to list the Gunnison sage grouse in Colorado and eastern Washington population of sage grouse, has also increased since the 1986 and 1997 documents were certified. Therefore, the Department believes the entire Mammoth Yosemite Airport Development Project Master Plan as described in the 1986 EIR and 1997 Supplement, including hotel, condominiums, roads, and any other associated infrastructure, should be analyzed to evaluate potential significant impacts to this small, genetically distinct and isolated population of sage grouse.

E-2

The Department has brought up our concerns regarding the unique status of this sage grouse population in all of our previous correspondence. The current SSEIR does not address this issue. The Department believes the final document should more fully discuss this issue, as the current SSEIR appears to minimize the importance of this unique resource.

The Department also disagrees with conclusions in the SSEIR that "no significant impact to sage grouse or their habitat is expected to occur as a result of the introduction of commercial aircraft service at Mammoth Yosemite Airport". As the document states on Page 111-40, nest initiation rates and distances females move to establish nests could play a role in the long-term viability of the Long Valley sage grouse population. No conclusions have been reached at Jackson Hole Airport regarding nest initiation rates and distances females move to nest. Therefore, one cannot logically make the assumption that the proposed Mammoth Airport improvements will not impact nest initiation rates and distances moved to nest, thereby impacting long-term viability of the Long Valley population. The fact that two nests were located outside the airport security fence at Jackson Airport tells us nothing about whether those young were successfully fledged into the population.

E-3

The Department believes that statements attributed to sage grouse researchers and data collected by these researchers should be accurately characterized in the final document. The Department is concerned that statements attributed to Dr. Robert Gibson may have been misinterpreted in the SSEIR. Any misunderstandings regarding data used in the SSEIR should be clarified in the final document. The Department continues to believe that indirect, cumulative, and growth-inducing impacts to sage grouse in Long Valley could be significant, and the final document should be revised to include mitigation measures to address this impact. The SSEIR acknowledges that cumulative, range-wide impacts such as habitat loss and drought, are likely contributing to the range-wide decline of sage grouse. This argues for careful analysis of additional developments producing additional habitat loss and disturbance.

E-4

The SSEIR does not adequately analyze the cumulative impacts of the proposed project on the mule deer migration corridor or the Long Valley sage grouse population. Only two projects, the Sierra Business Park and Airport Commercial Development Plan, are acknowledged to have potential for cumulative impacts to wildlife resources. This does not make sense when one is analyzing the impacts to a migratory species that moves many miles between winter and summer range, such as the Round Valley and Casa Diablo deer herds. These deer are absolutely dependent on the maintenance of the migration corridor for the maintenance of the herd. All of the projects along the migration corridor impact the ability of the deer to move along the corridor between winter and summer ranges.

E-5

In particular, SSEIR is misleading in its summary of impacts associated with the Rimrock Ranch project. As we stated in our letter to Mono County on the DEIR for Rimrock Ranch, the 100-acre parcel that the Department purchased several years ago was purchased as a project in and of itself, and was not considered as part of any development project at the time, or as mitigation for the development of the remaining 80 acres. When the DEIR for Rimrock Ranch was released, the Department commented to Mono County that the loss of another 80 acres within the migration corridor was a significant impact and mitigation for those acres should be required. As stated in our September 8, 2000 letter to Mono County:

"The Department also disagrees with the statement on Page 72 of the Draft EIR that implementation of the Rimrock Ranch Specific Plan will not produce cumulative impacts because the subject property has been identified for development in the Wheeler Crest Area Plan and is adjacent to existing developed areas. The Department believes any and all additional development within the Round Valley Deer Herd migration corridor and winter range will likely have cumulative impacts which should be addressed in any environmental document produced for the area. Some of these developments include Pine Creek Communities at Rovana (Inyo County), Sierra Business Park, Mammoth Airport Expansion, Lakeridge Ranch, and developments within the Town of Mammoth Lakes."

E-6

The Department also disagrees that the Sierra Business Park will not contribute to significant cumulative impacts. Although the DEIR for Sierra Business Park was approved, the Department does not agree with its conclusions. As stated in our September 5, 2000, letter to Mono County:

"The document also does not address potential impacts to the deer herd migration corridor that roughly parallels Highway 395 from Mammoth south to Round Valley. The EIR should contain an analysis of the cumulative impact to the Round Valley Deer Herd of developing additional land located within this herd's migration corridor. In summary, we believe the document as written is

incomplete and should be revised and recirculated to include discussions of the above items, plus proposed mitigation measures to offset impacts identified above."

"The statement made on Page 60 that the impact to the sage grouse lek that is ½ mile away is less than significant because the site is located in an excavated basin that is not used by this lek for nesting or breeding, is unsubstantiated by the evidence presented in Appendix D, Biological Assessment. Information presented on Page 3-1 of the Biological Assessment states that the Western States Sage Grouse Committee established a set of guidelines regarding vegetation manipulation of sage grouse habitat. The guidelines state that the area within 1.8 miles of a lek is important for nesting. Although the vegetation on the project site is unsuitable for nesting, increased activity and human use of the site could nevertheless disrupt nesting activity around the project site. The speculation that the proposed project's impacts on the sage grouse lek are less than significant should be verified by a qualified biologist familiar with sage grouse biology and impact analysis.

E-6

The Department also had the following comments regarding cumulative impacts of the Crowley Lake Estates project in our comment letter of September 12, 2001, to Mono County:

"The Department believes the Cumulative Impact analysis found on page 113 of the DEIR does not adequately address the cumulative impacts to the Round Valley herd of the proposed development. As stated above, the incremental loss of habitat along the migration corridor, increased harassment of deer by dogs, vehicles, noise, lighting, and human presence, continues to negatively impact the deer resource. The Department believes that mitigation for the incremental loss of deer habitat is required."

In summary, the Department believes that the proposed project, when analyzed in the context of all of the other proposed and approved projects within the deer migration corridor, will have a significant cumulative impact on the mule deer resource. The final document should contain a more thorough analysis of the cumulative impact of the proposed project on the Round Valley and Casa Diablo deer herds, and offer potential mitigation measures to offset the impact. Potential mitigation measures could include purchase of habitat within the migration corridor, contribution to a land trust or other entity to purchase habitat within the migration corridor, or other measures. A regional, multi-agency approach will be necessary to address these impacts.

E-7

The mitigation measures on Page III-57 call for the security fence to be monitored for the effectiveness of the fence design for reducing raptor and raven perching. The fence design is also proposed to be monitored to determine its

effectiveness in preventing deer from funneling out onto Highway 395. These mitigation measures should also include a mechanism to modify the fence design and location based on the results of the monitoring. E-8

The SSEIR also states that a colony of bank swallow, a State listed Threatened species, has been observed nesting in the gravel pit, which is proposed for revegetation as mitigation for the loss of deer and sage grouse habitat. Other sites are also proposed in the SSEIR as revegetation sites. The Department recommends that additional sites be evaluated as revegetation sites. If the gravel pit is used as mitigation for the loss of deer habitat, it is likely that the site will no longer be suitable for bank swallow nesting. This impact should be addressed in the final document, or an alternate site found. Disturbance to the bank swallow colony will require an Incidental Take Permit pursuant to Fish and Game Code Section 2081 from the Department. E-9

The Department may be providing additional detailed comments relative to impacts to sage grouse and mule deer. Thank you for the opportunity to comment on the SSEIR. If you have any questions, please contact Ms. Denyse Racine, Environmental Scientist, at (760)872-1158.

Sincerely,

Denyse Racine for

Darrell M. Wong, Supervisor
Habitat Conservation Program

cc: Brian Grattidge, State Clearinghouse
Carolyn Yee, Caltrans
Steve Addington, BLM
Kathleen Morse, Inyo National Forest
Janill Richards, Deputy Attorney General

E. Department of Fish and Game

Response to Comment E-1

The Town of Mammoth Lakes acknowledges that the commentor has the statutory and common law responsibility with regard to fish and wildlife resources and habitat. Prior comments by the commentor were considered during the scoping process for the Supplement and are addressed in the Supplement, or earlier environmental documents.

Response to Comment E-2

With respect to legal requirements for preparing a supplemental EIR, please see Response to Comment B-4.

The genetic distinction of the Mono/Lyons Counties sage grouse populations has not been formally recognized by any agency with management authority over the species and, therefore, is still speculative. Petitions to list the sage grouse in Colorado and Washington state, both a thousand miles from the project site, are irrelevant to this analysis. Further, the commentor's web site itself states that Mono County, along with Lassen County, has the most stable sage grouse population in California. (See http://www.dfg.ca.gov/licensing/sagegrse/sagegrouse.html.) This discussion plainly does not indicate that there are problems with the sage grouse population, contrary to this comment.

The Supplement fully analyzes potential impacts to the sage grouse from changes in the project since the 1997 Subsequent EIR/EA. (See Supplement at Section 3.3.1.2 and Section 3.3.2.2.)

Response to Comment E-3

Researcher Matt Holloran, Wyoming Cooperative Research Unit, University of Wyoming, provided an update on the two sage grouse nests that were located directly outside the Jackson Hole Airport security fence (within 300 yards of the fence), in a location where aircrafts fly as low as 160 feet above ground. The two nests were from one female, and the one nest that contained eggs was predated.

According to Mr. Holloran, if nest initiation rates are declining at the Jackson Hole Airport, one would expect to see a gradual decline in recruitment of male sage grouse. However, the general trend at the Jackson Hole Airport, as elsewhere, is a decline that cannot be attributed to one factor, rather the decline is likely the result of cumulative, long-term impacts including drought and habitat loss and conversion.

Information on nest initiation rates and distances females move to nest for sage grouse at the Jackson Hole Airport is available in the 2001 Annual Report prepared by the Wyoming Cooperative Research Unit on sage grouse seasonal habitat use and survival in Jackson Hole, Wyoming. (The information is presented as a progress report. The project has not been completed; therefore the information presented is not complete. Any speculation is the author's and is not peer-reviewed or published.)

The following demographic results are present in the report:

1. 37 potential nesting (radio-tagged) females
2. 30/37 (87 percent) initiated nests
3. [7/8 (88 percent) in 1999; 11/13 (85 percent) in 2000; 12/16 (75 percent) in 2001]
4. 15/32 (47 percent) successfully hatched
5. [4/7 (57 percent) in 1999; 5/11 (45 percent) in 2000; 6/14 (43 percent) in 2001]
6. 8/15 (53 percent) successful through early brood-rearing (chicks lost $\leq$ 14 days post hatch)
7. 3/4 (75 percent) in 1999; 1/5 (20 percent) in 2000; 4/6 (67 percent) in 2001]
8. 6/8 (75 percent) successful through late brood-rearing (fledged $\geq$ 1 chick on August 15)
9. 3/3 (100 percent) in 1999; 0/1 (0 percent) in 2000; 3 /4 (75 percent) in 2001]
10. 15 chicks fledged (15/37 = 0.41 chicks per potential hen; 2.5 chicks per brood)

At Jackson Hole Airport, the majority of females nested within six kilometers of the Airport lek site. Approximately ten to fifteen percent of hens move a much greater distance than six kilometers before nesting. In sum, it does not appear that the Jackson Hole Airport adversely impacts nest initiation rates and distances females move to nest. Being a comparable airport it is unlikely that the proposed project at Mammoth Yosmeite Airport would affect sage grouse by causing a disturbance that would lead to a reduction in the local population. (See Supplement at Section 3.3.2.) Therefore, no significant impact to sage grouse or their habitat is expected to occur as a result of the introduction of commercial aircraft service at Mammoth Yosemite Airport.

Dr. Gibson has been contacted. The reference to the statement of Dr. Gibson regarding the relationship of the proximity of aircraft to sage grouse flushing has been removed from the Supplement at Page III-40. The removal of this information does not change the conclusion of the analysis.

Response to Comment E-4

Please see Response to Comment A-2 regarding cumulative impacts.

Response to Comment E-5

Please see Response to Comment A-2.

Response to Comment E-6

Please see Response to Comment A-2.

Response to Comment E-7

The majority of deer migration occurs on the west side of U.S. Highway 395, away from the Airport. The proposed project would result in the elimination of 9.5 acres of mule deer habitat. This is not a significant impact. The proposed mitigation measure addresses this habitat loss. (See Supplement at Section 3.3.3.2.) Compensation for this habitat loss is provided at a ratio of one acre for every one acre of degraded deer habitat. This habitat loss is insignificant when the overall acreage of publicly owned lands available for use by the deer during their migration is considered. It should be noted

that mule deer are not a threatened or endangered species. Thus this is not considered a significant impact and any mitigation measure undertaken by Town of Mammoth Lakes is voluntary.

Response to Comment E-8

The text of mitigation measure (1) under "Mule Deer" at Section 3.3.3.2 has been modified with inclusion of the following language at the end of the measure;

> "The CDFG deer biologist and the Caltrans biologists should work with the project proponent to continue to evaluate the effects of the fence on mule deer. Based on this evaluation, the project proponent shall modify the design of the fence within the parameters of FAA requirements and standards."

Response to Comment E-9

The text of mitigation measure (2) under "Mule Deer" at Section 3.3.3.2 states that the mitigation at the gravel pit should proceed in a manner such that any bank swallow nest sites are not disturbed, and the habitat is not modified in such a way as to cause future nest failure.

November 26, 2001

Mr. Bill Manning, Airport Manager
Mr. Bill Taylor, Senior Planner
The Town of Mammoth Lakes
Post Office Box 1609
Mammoth Lakes, CA 93546

SPECIAL DELIVERY VIA FACSIMILE

Dear Mr. Manning and Mr. Taylor:

[Please accept this letter as my formal support for the Mammoth Yosemite Airport expansion.] F-1

As a full-time Mammoth Lakes resident of twenty-two years, and professional businesswomen, I strongly support commercial air service to the Mammoth Yosemite Airport and would like to have my thoughts and opinions noted. There are four very viable reasons why airport service to Mammoth Lakes should be implemented.

1. Air service from Mammoth Lakes to elsewhere helps and assists the local travelling community. I personally depend on air travel for business, and pleasure, as does statistically 1/2 of the local population.

2. Air service will provide our visitors with a convenient, customer service level of satisfaction which supports the very concept of a truly world renowned Destination Resort. Our customers are world wide, and not just from Southern California, the San Francisco Bay Area, and Las Vegas. People who spend their hard-earned dollars to enjoy first class accommodations expect air service.

3. Air service holds the potential for increasing the "job creation model" which is the foundation upon which our economic vitality is based. Small businesses create and add to our Eastern Sierra communities, i.e., Lone Pine Film Festival; rock climbing in Bishop; fishing Twin Lakes west of Bridgeport, and of course our beautiful mountain with its own four seasons.

4. Lastly, the marketing program that our lodging industry instituted after the tragic events of September 11, 2001 was exemplary with their banners stating, "Thanks for Traveling & Visiting". As well as the President's message to get back to our lives; complemented with a renewed pride in our country; time spent with family and friends, and the appreciation for the natural beauty of our Eastern Sierra. These are reasons enough for moving forward to enhance, and thus improve the infrastructure of our community, which will support and benefit our children in years ahead.

Respectfully,

Tammy Teachout

Tammy Teachout, Partner
MAMMOTH PROPERTIES
3310 Main Street
Post Office Box 424
Mammoth Lakes, CA 93546

Cc: Wally Hofmann, Publisher
Mammoth Times

F. Tammy Teachout, Mammoth Properties, Mammoth Lakes, California

Response to Comment F-1

The commentor expresses support for the project and the adequacy of the EIR. The Town acknowledges these comments and has made them part of the official record for the project.

To:
Town Offices
C/O Bill Taylor
Senior Planner
PO Box 1609 Mammoth
Lakes, CA 93546-1609

Hello Bill:

I know my e-mail is up against the "mid-night hour," but I want my thoughts and opinions noted in support of The Mammoth Lake's Airport expansion. My succinct bullet points follow, along with my phone numbers
if further questions about my position are necessary.

G-1

1) Air service from Mammoth Lakes to elsewhere helps and assists the local traveling community. No 171-plus mile drives for flights to the Bay Area, LAX, Dallas, Atlanta, London, Frankfurt, Rio, or visits to family on the North Shore of Oahu.

2) Air service will provide our visitors with a convenient, customer service level of satisfaction which supports the very concept of a truly
world renowned "Destination Resort." Our customers are world-wide, and not just those from Southern California, the Bay Area, and Las Vegas. They travel, and expect to be treated well, will spend time and their hard earned dollars to enjoy their vacation and time with family, etc.

3) Air service holds the potential for increasing the "job creation model" which is the foundation upon which our economic vitality is based. Small businesses create and add to our communities. (i.e.. Communities of the Eastern Sierra like Lone Pine and their Film Festival, bouldering in Bishop, fishing up at Twin Lakes west of Bridgeport, and of course our beautiful mountain with its own four seasons).

4) Lastly, the marketing program that our lodging industry instituted after the tragic events of September 11, ,2001 with their banners stating, "Thanks For Traveling & Visiting;" the President's message to get back to our lives; complimented with a renewed pride in our country,
time spent with family and friends, and an appreciation for the natural beauty of our Eastern Sierra. These are reasons enough for moving forward, enhancing, and thus improving the infrastructure which will support and benefit our children in the years ahead.

Sincerely,
Tony Fryer
Managing Editor
The Real Estate Book of the Eastern Sierra
760/934-3614

G. Tony Fryer, The Real Estate Book of the Eastern Sierra

Response to Comment G-1

The commentor expresses support for the project and the adequacy of the EIR. The Town acknowledges these comments and has made them part of the official record for the project.

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO

SANTA BARBARA • SANTA CRUZ

SIERRA NEVADA AQUATIC RESEARCH LABORATORY (SNARL)

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1016 MT. MORRISON ROAD
MAMMOTH LAKES, CA 93546
http://nrs.ucop.edu/reserves/snarl.html

November 26, 2001

Mr. William Taylor
Community Development Department
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546

RE: DSSEIR, MAMMOTH YOSEMITE AIRPORT EXPANSION

Dear Bill:

Please accept the following comments on the above mentioned EIR. On March 15, 2001 there was a meeting attended by representatives from the Town, Hot Creek Aviation, Mammoth Mountain Ski Area, and myself. At that meeting, we agreed upon several mitigation measures that were to be included in the revised project description. These must be included in this document. Furthermore, in a conversation with you, you agreed that a memo from me to you regarding that meeting would be included as part of the scoping of this document. These mitigation measures are:

1. The agreement to move the "engine run-up" area to a midfield location in order to mitigate run-up noise impact to SNARL. This is completely absent from the DSSEIR and is critical to the mitigation of noise impact. H-1
2. Development of a comprehensive water quality assurance plan. Although such a plan in mentioned peripherally on page III-81 of the DSSEIR the elements of the plan are not included. The elements include: H-2
   - prohibitions on industrial waste from the hangers
   - putting all airport waste systems on the proposed package plant
   - developing a fail-safe system for preventing contamination of the stormwater system by de-icing fluid
   - an analysis of risk of catastrophic fuel or oil spills at the airport or on US 395
   - plans to clean-up such a spill
3. A time schedule for replacement of all non-compliant outside lighting. H-3

Finally, the DSSEIR does not accurately detail the current situation of the Green Church. We have determined, by consultation with professional house movers, that the church

cannot be relocated. Therefore, the Town will be required to fund the construction of a suitable replacement building at the main SNARL campus. Because of the constraints of the existing infrastructure at SNARL, the Town will be required to fund the replacement of a new water line, a power line to the new building, an extension of a LP gas line to the new building, a new leach field, and new parking. The document should also recognize that funds have already been provided to the University for planning, engineering, and architecture. The document should also indicate that in order for the replacement to mitigate the impact, the new building must be constructed before commercial air traffic uses the airport. Last, the DSSEIR should indicate that the existing Green Church will remain in its current location and be used for storage or some other purpose consistent with the restriction on public assembly.

H-4

Thank you,

Daniel R. Dawson
Director

H. University of California, Santa Barbara, Sierra Nevada Aquatic Research Lab (SNARL)

Response to Comment H-1

As described in Section 3.7.1 of the Supplement, there is an engine runup area located at the eastern end of Runway 9-27. For reduction in existing noise levels, a new mid-field runup area will be constructed in conjunction with the Airport improvements. This runup area will replace the current runup area and would reduce the noise reflection off of Doe Ridge towards the Sierra Nevada Aquatic Research Laboratory (SNARL) facility. This is a mitigation measure for existing aircraft operations at the Airport. Additionally, Mammoth Yosemite Airport already has a policy that restricts low level flights over both the Hot Creek Fish Hatchery and SNARL facility. This policy will be applied to commercial flights as well.

The commentor should also note that, just as this Supplement only analyzes potential impacts from changes in the project since the prior environmental review, it only proposes mitigation measures for those impacts. The mitigation measures previously identified for impacts determined in the prior review, and imposed as part of the prior approvals, generally remain applicable and will be imposed for this revised project as well. Therefore, even though a particular mitigation measure may not be identified in the Supplement, it may well be part of the project.

Response to Comment H-2

The development of a Water Quality Assurance Plan and a Spill Prevention Control and Countermeasures Plan is included in the Supplement as Mitigation Measures. (See Supplement at Section 3.7.3.) As discussed in Section 3.7 and Responses to Comments C-1 through C-15 where further evaluation was conducted, the proposed project would have no significant environmental impacts on hydrology, water supply, or water quality during either the construction or operation of the proposed project after meeting all the design requirements. This is because it would not create or contribute runoff that would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted runoff. There would be no violation of applicable water quality standards or water discharge requirements and it would not substantially deplete groundwater resources or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of a local groundwater table level. The project will not impede or redirect flood flows or place housing within a 100-year flood hazard area.

The proposed project would comply with all federal, State and local laws pertaining to storm water runoff and drainage systems.

Industrial waste from the hangars is not within the scope of this CEQA document as the hangars are not part of the changes to the proposed project being analyzed in the Supplement. Nonetheless, the Town and Hot Creek Aviation have agreed to connect the hangars to the wastewater treatment plant to better assure the protection of water quality.

Response to Comment H-3

The existing, non-conforming lighting on the Airport ramp area will be replaced at the time of the terminal apron improvements.

Response to Comment H-4

The Town has agreed to replacement of the "Green Church." Replacement of the Green Church is identified under Section 3.8.4 of the Supplement and in the mitigation measure summary on page E-6. The mitigation description under Section 3.8.4 should have been under Section 3.8.3, Mitigation Measures. The Town will fund the replacement of all utilities to the new building and it is anticipated that the building will be constructed in advance of initiation of air carrier aircraft operations at the Airport.

Cooley Godward LLP

ATTORNEYS AT LAW

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November 26, 2001

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KATHLEEN H. GOODHART
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Mr. William T. Taylor
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546

Re: Mammoth Yosemite Airport Expansion Project Draft Supplement to Subsequent Environmental Impact Report

Dear Mr. Taylor:

Cooley Godward LLP and Earthjustice, as co-counsel, write on behalf of the Sierra Club, the California Wilderness Coalition ("CWC"), the Natural Resources Defense Council ("NRDC"), California Trout, Inc. ("Caltrout"), and the National Parks Conservation Association ("NPCA") (collectively the "Commenting Parties") to express their very serious concerns about the environmental review process regarding the proposed major expansion of the Mammoth-Yosemite Airport (the "Airport"). Specifically, we provide in this letter comments in response to the Draft Supplement to the Subsequent Environmental Impact Report (the "DSSEIR") regarding the Mammoth-Yosemite Airport Expansion Project ("Expansion Project") issued by the Town of Mammoth Lakes (the "Town") and dated October 5, 2001.

If completed, the Expansion Project would have profound environmental impacts on the region. While the DSSEIR improperly suggests that the Expansion Project entails little more than the lengthening of a runway, in reality, this project seeks to transform a local airport that currently serves airplanes with a seating capacity of fewer than 30 people into a commercial airport that would serve thousands of Boeing 757-200s (maximum seating capacity 239), Boeing 737-800s (maximum seating capacity 189), and BAE-146s (seating capacity between 82 and 112) per year. (*See* DSSEIR at III-18, III-19.) These larger jets, along with the construction and expansion necessary to accommodate them, would have a substantial and deleterious impact on the environment. Moreover, the DSSEIR states that this commercial airline service is expected to increase the number of passenger enplanements from *zero* in 1999 to 159,900 in 2007, and to 333,800 by 2022.[1] (*See* DSSEIR at I-6.) Moreover, the DSSEIR defines "enplanements" as

I-1

I-2

[1] As discussed more fully in Section III(D) below, the DSSEIR is misleading in defining as a single "enplanement" a passenger's roundtrip usage of the Airport. (DSSEIR at I-6.) In a footnote to Table I-1, the DSSEIR explains that "[t]otal passengers are twice" the number of enplanements, (DSSEIR at I-6), because passengers will use the Airport twice – *i.e.* to arrive and to depart. The DSSEIR should not focus on the number of enplanements as defined, rather the DSSEIR should focus on the total number of passengers *using* the Airport.

I-1

roundtrip flights, undercounting by half the number of passengers actually using the Airport, and thus the actual increase in numbers of passengers will be from *zero* in 1999 to 319,000 in 2007, and to 667,660 by 2022. The DSSEIR does not fully take into account the impact that these passengers – many of whom are expected to come from around the country to tour the surrounding area – would have on the environment. I-2

In this letter, the Commenting Parties express their serious concerns regarding numerous inadequacies in the DSSEIR, including:

- The DSSEIR misrepresents the background facts relating to the Expansion Project. *See* Section I below.
- The DSSEIR lacks necessary detail regarding numerous aspects of the Expansion Project. *See* Section II below.
- The DSSEIR misleadingly implies that the Expansion Project is smaller than previously approved projects. *See* Section III below.
- The DSSEIR fails to identify and focus on various environmental impacts of the Expansion Project, including increased vehicular and air traffic, water pollution, air pollution, noise, and negative impacts on biological resources. *See* Section IV below.
- The DSSEIR contains a cursory and wildly inaccurate discussion of the growth-inducing impacts on the Expansion Project. *See* Section V below.
- The DSSEIR inadequately addresses the Expansion Project's cumulative impacts. *See* Section VI below.
- Contrary to the requirements of CEQA, the DSSEIR does not propose any alternatives that might attain the project objectives but would lessen the significant effects of the project. *See* Section VII below.
- In light of the substantial impacts of the Expansion Project, the Town must prepare a subsequent EIR, not a mere supplement to an existing EIR. *See* Section VIII below.

I. BACKGROUND

As an initial matter, it is helpful to clarify the background concerning the Expansion Project, particularly because the DSSEIR's description of this background is inaccurate. In July 1986, the Mono County Airport Land Use Commission and the United States Department of Agriculture issued a joint Environmental Impact Report and Environmental Assessment (the "EIR") concerning the Mammoth/June Lake Airport Land Use Plan. The EIR did not contemplate that large commercial jets would operate at the Airport. (*See* EIR at 35.)

In 1997, the Town sought environmental review of a new and different proposed expansion of the Airport. The Town issued a Subsequent Environmental Impact Report and Environmental Assessment (the "1997 SEIR"). The 1997 SEIR did contemplate some future commercial jet service at the Airport, projecting that: (1) by 2005, 1,460 Boeing 737s would result in 40,000 annual passenger enplanements; and (2) by 2015, a total of 2,920 Boeing 737s and 757s would result in 95,000 enplanements.[2] (*See* 1997 SEIR at 5-6.) It should be noted that the 1997 SEIR appears to use the standard definition of "enplanements" – *i.e.* each passenger using the Airport constitutes one "enplanement" – not the definition used in the DSSEIR, which undercounts by 50% the projected total number of people using the Airport. Ultimately, the plan detailed in the 1997 SEIR never was implemented. I-2

In October 2000, the Town issued a Draft Environmental Assessment for further development of the Airport (the "Draft EA"). The Draft EA proposed an Airport expansion that would lead to 159,000 enplanements by 2007, growing to 287,500 enplanements by 2017. (*See* Draft EA at IV-12.) The Draft EA uses the same definition of "enplanements" as is used in the DSSEIR. The Sierra Club and other parties commented on the inadequacies of the Draft EA. In December 2000, the Town issued a Final Environmental Assessment (the "EA"), and the Federal Aviation Administration ("FAA") issued a Finding of No Significant Impact ("FONSI) under the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*), based on the Draft EA. Ultimately, however, the FAA made no final decision on the FONSI or on approving the Airport Plan.

Thereafter, various interested parties filed comments on the EA and the FONSI, including the United States Department of Interior, the California Department of Justice, the California Department of Fish and Game, Earthjustice, the Sierra Club, CWC, Citizens Against Sprawl, and Yosemite Regional Trust. The Sierra Club, CWC, NRDC, and NPCA then filed a lawsuit to challenge the inadequacies in the EA and FONSI. In July 2001, the lawsuit became unripe when

[2] Apparently, the 1997 SEIR did not address the issue of the Airport's runway being too narrow to accommodate Boeing 737s or 757s.

the FAA responded to the complaint by announcing that it "has not made a final decision under the National Environmental Policy Act or taken final agency action to approve a revised airport layout plan based on the FONSI." (Letter from Richard Laverdure, Special Assistant U.S. Attorney, to Counsel for Sierra Club *et al.* (July 24, 2001)) (copy attached) The DSSEIR is misleading in stating that the "FAA made a Finding of No Significant Impact . . . for the project in December 2000," (DSSEIR at xii), but neglecting to mention that the FAA has made no final determination. I-3

On April 13, 2001 – during the time when the controversy over the EA/FONSI was ongoing – the Town issued a Notice of Preparation, which notified interested parties that the Town would issue a Subsequent Environmental Impact Report. (*See* DSSEIR at Appendix B.) On October 5, 2001, the Town issued the DSSEIR, which is a *supplement* to the 1997 SEIR, rather than a *subsequent* EIR as specified in the Notice of Preparation. I-4

II. THE DSSEIR'S DESCRIPTION OF THE EXPANSION PROJECT LACKS DETAIL AS TO THE SCOPE AND IMPACTS OF THE PROJECT

The DSSEIR fails to "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised in the proposed project." (*Laurel Heights Improvement Ass'n v. Regents of the University of California*, (1988) 47 Cal.3d 376, 404-05 [253 Cal.Rptr. 426]). As discussed more fully below, the DSSEIR does not provide important details concerning:

- The Town's assumptions concerning future traffic patterns, including the optimistic assumption that 70% of Airport users would use the bus system.
- How jet fuel will be transported to the Airport and stored at the Airport.
- The parking facilities related to the Airport.
- The design, construction, and utilization of the water, storm water, and sewage treatment facilities.
- The Airport's preparedness, if any, to provide contaminant cleanup.
- The current baseline noise level, and how much the Expansion Project would increase noise levels in the area.

- The Expansion Project's effects on biological resources, including, but not limited to, the Sage Grouse, Bald Eagle, Owens Tui Chub, Lahontan Cutthroat Trout, and Sierra Bighorn Sheep.

- The potential growth-inducing effects of the Expansion Project and/or how the Town might seek to control these effects in light of the fact that the Airport is in a non-contiguous portion of the Town and much growth could occur outside the Town's boundaries.

- The increased-visitor impacts on the Town itself, including, but not limited to, impacts on air quality, water usage, and traffic.

- FAA grade and line-of-sight visibility standards, which would require further expansion of the Airport to accommodate the large jets that the Expansion Project seeks to accommodate.

- The specifications, construction, operations, and environmental impacts of the luxury RV park.

- The Town's decision not to analyze other projects that together with the Airport Expansion could have cumulative impacts on the environment.

III. THE DSSEIR IS MISLEADING IN ITS DESCRIPTION OF THE PROJECT

The DSSEIR fails to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of the proposed activities." (14 Cal. Code Regs. § 15002(a).)

A. The DSSEIR's Discussion of the Size of the Expansion Project Is Misleading

The DSSEIR misleadingly implies that the Expansion Project is smaller in scope than the project referenced in the 1997 SEIR. (*See, e.g.*, DSSEIR at ES-1, i, vi, viii, xi-xii, I-1, I-6 to I-8, III-2.) The DSSEIR also repeatedly emphasizes that the Expansion Project seeks to lengthen the runway from 7,000 feet to 8,200 feet, instead of the proposed expansion from 7,000 feet to 9,000 feet contemplated in the 1997 SEIR. (*See id.*) Indeed, the DSSEIR inaccurately states that the current proposal "calls for less land disturbance" than the 1997 SEIR. (DSSEIR at xii.)

I-5

The DSSEIR, however, understates the fact that under the Expansion Project, the *entire* 8,200 foot runway would be widened by 50 feet, and the DSSEIR fails to mention land disturbance caused by expansion of the taxiways. (*See* DSSEIR at xii.) Thus, the Expansion Project in fact contemplates an additional 530,000 square feet of runway (*see, e.g.*, DSSEIR at ES-1) as compared to the 200,000 square foot expansion approved in 1997. (*See* DSSEIR at ii; SEIR at 7.) Moreover, the DSSEIR contemplates expansion of parallel taxiways by 265,000 square feet and expansion of cross taxiways by 20,625 square feet – both of which are substantial increases over the 1997 plan. (*See* DSSEIR at ii; SEIR at 7.)

In total, the DSSEIR proposes an additional 815,625 square feet – nearly 19 acres – of pavement, as opposed to 311,250 square feet in the 1997 SEIR. (*See* DSSEIR at ii; SEIR at 7.) Rather than hide this increase, the DSSEIR should make clear to the public that the Town is proposing a project that is more than two-and-a-half times as large as the 1997 plan. The public should understand that the Expansion Project requires the Town to pave an additional 504,375 square feet of land – *over ten football fields* – beyond the pavement proposed in the 1997 plan. I-5

The DSSEIR is misleading in implying that only the added runway and taxiways would cause land disturbance. The DSSEIR fails to discuss the grading necessary to provide the required object-free areas, runway safety zones, the required shoulders and slopes along the sides and ends of the runway, the maximum 0.8% runway slope at the east end, and the required line-of-sight visibility and the effects of runway grade on runway length. I-6

The DSSEIR also is misleading in its minimal discussion of the runway paving needed. The requirements for strengthening the existing runway must be discussed. The addition of strengthening elements would require paving over the entire area of the existing runway. If regrading is required to meet visibility standards, then part or all of the existing runway would have to be replaced. I-7

B. The DSSEIR Does Not Adequately Address Future Phases of the Expansion Project

The DSSEIR also fails to include discussion of both contemplated and reasonably foreseeable future phases of project. "An EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion of action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights*, 47 Cal.3d at 396.) The DSSEIR describes the 8,200 foot runway as the "first stage runway length." (DSSEIR at I-8.) This statement suggests an ultimate intention to extend the runway, likely to 9,000 feet or beyond. The DSSEIR never fully considers such a runway expansion, but rather, I-8

rejects such an expansion as an *alternative* because (1) it would require a special use permit from USFS and (2) it "would have environmental impacts that are greater than the [Expansion Project]." (DSSEIR at IV-5.)

The DSSEIR inadequately addresses the issue of future expansion related to increased passenger visits. The DSSEIR projects that by 2022 an additional 667,600 passengers would travel through the Airport each year. (*See* DSSEIR at I-6.) These additional people surely would require an increase in airport facilities, including, for example, parking and retail facilities, as well as water-treatment capacity. Moreover, as discussed more fully in Section V below, the DSSEIR does not adequately address the significant growth-inducing impacts that these additional passengers would have. I-8

C. The DSSEIR's Discussion of Annual Aircraft Operations Is Misleading

The DSSEIR is misleading in its summary of the total number of annual aircraft operations at the Airport. The DSSEIR forecasts that the number of aircraft operations would decrease and cites comparable annual aircraft operations numbers in the 1986 EIR and the 1997 SEIR. (DSSEIR at iii.) This summary fails to point out that the Expansion Project fundamentally would alter the *type* of aircraft using the Airport, understating the fact that the Expansion Project seeks to bring thousands of large commercial jets to the Airport. Indeed, it is undisputed that under the Federal Aviation Regulations, the Airport is currently prohibited from receiving airplanes with a seating capacity of more than 30 passengers. (DSSEIR at I-8.) Thus, the Expansion Project is specifically designed to bring the Airport into compliance with Federal Aviation Regulations that would permit the Airport to receive Boeing 757-200s and 737-800s – commercial jets that can carry up to 239 and 189 passengers respectively. It is therefore extremely misleading to purport to compare, for example, the 30,000 forecast annual aircraft operations in the 1986 EIR – which projected operations of small airplanes – with the 23,650 aircraft operations in the DSSEIR. (*See* DSSEIR at iii, I-6.) I-9

D. The DSSEIR's Definition of Enplanements Is Misleading

The DSSEIR's discussion of the number of enplaned passengers is misleading because it conceals the fact that the DSSEIR represents a substantial increase in passenger "enplanements" over the "enplanements" contemplated in the SEIR. The DSSEIR explains that "[e]nplanements represent passengers boarding an aircraft. Total passengers are twice that number."[3] (DSSEIR at I-6.) This definition not only is inconsistent with the standard dictionary definition, it is inconsistent with the definition used in the SEIR. In its common usage, the word "enplane"

[3] Also troubling is the DSSEIR's attempt to obscure the definition in smaller font size in a table. (*See* DSSEIR at I-6.)

means to "go or put on board an aircraft," and therefore, an "enplanement" is one *boarding*, rather than one *round-trip* flight (THE NEW OXFORD AMERICAN DICTIONARY 565 (2001).) The Town nowhere indicates in the 1997 SEIR that it might be using any definition other than the standard dictionary definition (*see* SEIR at 4-6), as the Town now indicates that it is doing in the DSSEIR.

The result of the DSSEIR's use of a non-standard definition of "enplanements" is that the DSSEIR does not clearly or adequately explain that the Expansion Project represents a dramatic increase in the number of airplane passengers over current usage levels and over the levels contemplated in the 1997 SEIR. For example, the SEIR projects 95,000 "enplanements" by 2015, and the DSSEIR projects 287,500 "enplanements" by 2017. Yet, these two documents use different definitions of "enplanement." If the DSSEIR used the SEIR's (and the dictionary's) definition, the number of "enplanements" by 2017 would be 575,000. Thus, by failing to provide an apples-to-apples comparison, the DSSEIR conceals the fact that the Expansion Project proposes approximately a *sixfold increase* in the number of passengers using the airport contemplated in the SEIR. The number of passengers using the Airport is the appropriate figure to be considered because: (1) it clearly indicates to the public the increased number of people who will travel through the Airport, which in turn shows the full environmental impact of operating the Airport; (2) it reflects the traffic impacts of the total number of people who will have to travel both *to and from* the Airport; and (3) it indicates the increased number of airplane operations needed to take these passengers *to and from* the Airport. The DSSEIR should be revised and should use the standard definition of "enplanements" so that the public will understand the full scope of the Expansion Project. I-10

E. The DSSEIR's Discussion of the Number of Passengers Using the Airport Is Based on Unsupported Assumptions

The DSSEIR calculates the number of projected enplanements by using a formula based on the number of "skier days."[4] Yet, the data that the DSSEIR provides from other airports that are near skiing destinations show *no correlation* between the number of skier days and the number of passengers arriving at the airport. (*See* DSSEIR at Appendix H.) Accordingly, the DSSEIR's passenger projections are based entirely on speculation, and the actual number of passengers using the Airport could be substantially higher than the DSSEIR projects. An increase in the number of passengers using the Airport would, of course, increase the environmental impacts of the Expansion Project. I-11

[4] The DSSEIR defines "skier days" as "the number of days multiplied by the number of skiers visiting the ski resort." (DSSEIR at I-5.)

IV. THE DSSEIR FAILS TO DISCUSS SEVERAL SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE EXPANSION PROJECT

Under CEQA, "[a]n EIR shall identify and focus on the significant environmental effects of the proposed project." (CEQA Guidelines § 15126.2(a).) The DSSEIR, however, fails to address significant environmental effects on air quality, water quality, noise pollution, and biological resources.

A. The DSSEIR's Analysis of the Expansion Project's Effects on Traffic Falls Far Short of Meeting CEQA Requirements

The DSSEIR's traffic analysis fails to comply with CEQA because: (1) the analysis ignores the increased number of people who would visit the area; (2) the analysis relies on unsupported assumptions; (3) the analysis fails to explain mitigation measures; and (4) the studies on which the analysis is predicated are flawed.

1. The DSSEIR's Traffic Analysis Improperly Ignores the Increased Number of People Who Will Visit the Area

The Town has represented that the Expansion Project would result in thousands of commercial flights from large cities such as Chicago and Dallas. (*See* DSSEIR at ES-1, ES-2.) Because Californians currently represent nearly ninety percent of the region's visitors (*see* DSSEIR at H-28), this influx of passengers from out of state would produce a substantial increase in traffic.

The DSSEIR largely ignores this serious traffic problem, assuming that upon arriving in Mammoth Lakes, 70% of visitors will rely solely on public transportation. (*See* DSSEIR at III-64) It is much more likely, however, that tourists would rent cars at the Airport in order to have increased mobility and tour the numerous attractions in the North Inyo County/South Mono County area. The DSSEIR, however, does not entertain this possibility, and does not examine the environmental impacts thereof, including (without limitation) the impacts from increased traffic. I-12

The Town also has failed to consider the number of fuel trucks needed to service the Airport. The fuel tanks proposed to support the Airport are relatively small. (*See* DSSEIR at I-12.) As such, once the number of flights increases, fuel trucks would need to service the Airport in greater numbers. This increased fuel truck service poses a severe threat to drivers in the area, especially considering Highway 395's condition during the winter months. Indeed, the DSSEIR states that "U.S. Highway 395 between Bishop and Mammoth Lakes has a steep grade making I-13

for difficult driving during periods of inclement winter weather. . . ." (DSSEIR at IV-26.) The DSSEIR should therefore consider the impact of the large number of fuel trucks on vehicular traffic and safety.

2. The DSSEIR's Traffic Analysis Improperly Relies on Unsupported Assumptions

Although the DSSEIR states "[i]t is anticipated that 70% of Airport users would use the bus system," (DSSEIR at III-64), the DSSEIR offers little evidence or analysis beyond "discussions" with other airport managers to support this optimistic view regarding use of public transportation. (*See id.*) Nor does the DSSEIR provide figures regarding current bus usage at the Airport or in the Mammoth Lakes area generally.

The DSSEIR also attaches a report from a hired traffic consultant that contains other unexplained assumptions. (*See* DSSEIR at Appendix L.) For example, although the consultant utilizes average daily traffic numbers from the Institute of Transportation Engineers ("ITE") Handbook, the averages in the handbook vary considerably, and the DSSEIR fails to explain whether the numbers used in the analysis are a minimum, average, or something in between. I-1

Likewise, the study makes substantial "trip reductions" due to "pass-by trips," often with no indication why such reductions are being made. (*See, e.g.*, DSSEIR at Appendix L, 8 ("It should be noted that 100 percent of the restaurant trips were removed from the overall trip generation.").) Because of these reductions, the study's traffic projections could be significantly lower than those realized under the airport expansion. I-15

3. The DSSEIR's Fails To Explain Mitigation Efforts

According to Appendix G of the CEQA guidelines, a project is considered to have a significant impact regarding traffic/transportation if it: (1) causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of street system (*i.e.* results in substantial increase in either the number of vehicle trips, the volume of capacity ration on roads, or congestion at intersections), or (2) exceeds, either individually or cumulatively, a level of service [LOS] standard established by the county congestion management agency for designated roads of highways. I-16

Here, the studies submitted with the DSSEIR clearly indicate a significant traffic impact and cannot support the finding of no significant impact in the DSSEIR. For example, the current LOS for the intersection of Hot Creek Road and Highway 395 is LOS B (10.8 seconds). (*See* DSSEIR at Appendix L, Table A, at 6.) If the Expansion Project were implemented, the LOS could be as high as LOS F (58.7 seconds). (*See* DSSEIR at Appendix L, Table C, at 20.)

Apparently, the Town relies on mitigation measures to conclude that the LOS would not increase. However, the DSSEIR does not describe or analyze those mitigation measures.

Additionally, Table III-13 indicates that even with a connection to Benton Crossing Rd., the cumulative impacts of airport and other traffic would still cause LOS D conditions at the 395-Hot Creek intersection. (*See* DSSEIR at III-66.) Elsewhere, the DSSEIR states that the connection to Benton Crossing would mitigate the cumulative traffic problem. (*See* DSSEIR at III-70.) The DSSEIR, however, does not explain how LOS D might be avoided. In short there is no actual analysis of mitigation, which should be included regardless of the level of LOS based on the influx of passengers of commercial jets. Also missing from the DSSEIR is any actual analysis of proposed mitigation, which should be included regardless of whether the LOS would be C, D, E, or F. I-16

4. The DSSEIR Relies on Traffic Studies That Are Flawed

The traffic studies on which the DSSEIR relies are flawed in several respects. For example, the traffic count the DSSEIR relies upon was performed by a two-hour hand count. (*See* DSSEIR at Appendix L, at 26-27) To obtain accurate information regarding traffic conditions, a traffic count through mechanical means should be performed for at least a week-long period. Furthermore, the study was performed from 4 p.m. to 6 p.m. on November 16, 2000, well before the height of the winter ski season. (*See id.*) A study done prior to the busy part of the ski season to determine whether the roads are able to handle the increased traffic is meaningless. The DSSEIR cannot be considered for approval absent analysis of traffic impacts during the height of the ski season, which is clearly not November 16. I-17

The study also fails to provide analysis of traffic impacts in summer. Although highest volumes may be seen in winter, traffic patterns are different in summer based on the numerous tourist destinations, including Yosemite, Mono Lake, and Devil's Postpile National Monument, and analysis of the variable traffic patterns to reach those remarkable destinations must be assessed. I-18

Furthermore, while the DSSEIR provides some information regarding vehicular traffic on Highway 395 near the airport, the DSSEIR provides little information regarding traffic impacts within the Town of Mammoth Lakes. The DSSEIR only provides that congestion in the Town would be reduced by bus service and fewer tourists driving due to the Airport Expansion, but provides no data or analysis in support. (*See* DSSEIR at III-64.) Such traffic impacts could be significant considering the increased number of enplanements the DSSEIR projects, regardless of whether such passengers utilize the Town's proposed shuttle service. Thus, the DSSEIR should assess traffic impacts within the Town. I-19

B. The DSSEIR Discussion of Potential Water Pollution Is Inadequate

The DSSEIR also states that the Mammoth Lakes airport expansion would include the construction and utilization of the water treatment plant. (*See, e.g.*, DSSEIR at ES-1.) The DSSEIR, however, provides little information regarding the plant. Indeed, the DSSEIR contains no information regarding the specifications of the water treatment plant, the use of the water treatment plant, or what the construction of a water treatment plant would entail. There is also no indication regarding how much sewage the water treatment plant would have the capacity to handle, and whether this plant would be sufficient to handle the roughly 8,000 gallons of sewage envisioned by the DSSEIR. (*See* DSSEIR at III-79.) The DSSEIR also makes no mention of where or how the Town would dispose of the sewage. The DSSEIR provides only that the disposal would be "subterranean," but this conclusory statement fails to comply with CEQA's requirement that the DSSEIR disclose the significant effects that this sizeable treatment facility would have on the environment. Moreover, the water and sewer demands utilized in the DSSEIR are derived from the 1997 SEIR. (*See* DSSEIR at III-96.) Because the number of projected passengers using the Airport would increase from 125,000 in 1997 to more than 333,000 in the DSSEIR, the 1997 figures do not adequately reflect the demands that would be created under the Expansion Project. New calculations regarding the plant are therefore necessary. I-20

The DSSEIR is also inadequate because it contains no specific information regarding how the Town would monitor ground water for potential hazardous contamination. Although hazardous materials contamination could have a devastating effect on the waters of the Hot Creek springs, and thus, have a devastating effect on the Owens tui chub, the DSSEIR merely states that the FAA and the Town have "proposed *some measures* to monitor contamination. . . ." (DSSEIR at III-54 (emphasis added).) The DSSEIR makes no attempt to explain what these measures might be, whether these measures would be adequate, or the types of hazardous contamination that these measures would monitor. Also, while the DSSEIR vaguely mentions *monitoring*, it presents no plan for *cleaning up* hazardous contamination. I-21

The DSSEIR's discussion of potential water pollution also is flawed because the DSSEIR relies on an analysis regarding the acquifer reliability that was performed using data from a 1986 study. (*See* SEIR Appendix E, 3.) That data is stale, and the DSSEIR must provide current information and research on acquifer reliability. I-22

In addition, although the DSSEIR proposes collecting and filtering storm water from aircraft aprons, tie downs, and automobile parking areas, the DSSEIR fails to address how storm water from runways and taxiways would be handled. The Lahontan Regional Water Quality Control Board has stated that the facility must handle water from more than a 20-year storm, which is a storm that produces an inch of rain in one hour. Such a storm could generate an I-2

estimated 1 million gallons per hour of storm-water runoff from the expanded portions of the runways and taxiways contemplated in the Expansion Project. The DSSEIR, however, makes no mention of this storm water or how this storm water might be collected or filtered. Nor does the DSSEIR address the impacts of this additional storm-water runoff on the environment. I-23

C. **The DSSEIR Mistakenly Concludes that the Airport Expansion's Impact on Noise in the Area Would Not Be Significant**

An overall increase in noise would result from the Expansion Project's introduction of large commercial jet traffic at the Airport. Although local residents, businesses, and tourists would suffer increased noise from thousands of Boeing 757-200s and 737-800s flying overhead, the DSSEIR presumes without sufficient analysis that the noise would be within acceptable levels. The DSSEIR bases its noise analysis on figures showing that aircraft roughly one mile from runway end on takeoff will be similar to the noise produced by an alarm clock. (*See* DSSEIR at F-2.) The DSSEIR then purports to justify this increased noise by claiming that under CEQA Guidelines, Appendix G, a project has a significant environmental impact to noise if "the project results in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other regulatory agencies." (DSSEIR at III-86.) I-24

The DSSEIR cites an erroneously narrow legal standard. Under CEQA, the issue is not just whether the Expansion Project generates noise that violates a local ordinance, but also, whether the Expansion Project would substantially increase ambient noise levels. Indeed, CEQA specifies five separate categories of noise that create a significant impact, including: "[A] substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project" and "a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project." (*See* CEQA Guidelines, App. G.) The DSSEIR improperly ignores these standards, fails to set forth what current ambient noise levels are, and fails to explain whether the Expansion Project would substantially increase these noise levels (which seems likely given the noise generated by large jet engines). (*See* DSSEIR at III-84 to III-94.)

In addition, the DSSEIR fails to address the impacts of noise on the surrounding National Parks, National Forests, and Wildness Areas surrounding Mammoth Airport. As the National Park Service pointed out in their letters to the FAA dated May 24, 2001, (*see* Appendix C), the noise caused by large jets flying into the Airport could disrupt and possibly compromise the geologic formation in Devils Postpile National Monument and also negatively impact wildlife in nearby Yosemite National Park. Moreover, the DSSEIR fails to discuss the increased noise I-25

within the Town itself. The DSSEIR inadequately addresses the impact of noise by failing to address these concerns.

D. The DSSEIR Provides No Analysis of the Impact of Certain Expansion Features on Biological Resources

The DSSEIR fails to analyze the impact of various components of the Expansion Project on the area's biological resources, including the impact that vastly increased numbers of visitors would have on threatened or endangered species and their habitat.

1. Sage Grouse (CA Dep't of Fish & Game Species of Concern)

The DSSEIR states that "[o]ne of Long Valley's largest sage grouse lek sites is located approximately three miles east of the Airport along the flight path to Runway 27."[5] (DSSEIR at III-32.) The DSSEIR, however, in a conclusory fashion, finds that the Expansion Project would have no significant impact upon the sage grouse lek sites. The DSSEIR makes this conclusion without addressing many of the facts contained within the document. For example, the DSSEIR notes that a dry meadow at the east end of the runway may be a lek site, and this area "might be removed or disturbed by construction . . . ." (*See* DSSEIR at III-37.) Yet, the DSSEIR fails to explain whether the Expansion Project's proposal to pave over some of the potential lek site, disturb the potential lek site with construction activities, and restrict access to the potential lek site by erecting a fence would be significant. (*See id.*) The DSSEIR also states that proposed wire fencing might have an adverse effect on the sage grouse, causing deaths due to the sage grouse's low flight levels, and interfering with sage grouse strutting grounds. (*See id.*) The DSSEIR speculates that the 8-foot chain link fence contemplated in the Expansion Project might somehow *reduce* Sage Grouse mortality because it would provide "greater visibility" than the existing 4.8-foot barbed wire fence. (*Id.*) This unsupported speculation not only ignores the reality that a larger fence likely would have a greater impact on the Sage Grouse, but also ignores the DSSEIR's prior statement that the larger fence would be designed to blend in with the environment, (DSSEIR at III-8), which suggests that the fence would be less visible and potentially more dangerous to the Sage Grouse.

I-2

I-27

Contrary to CEQA, the DSSEIR does not examine reasonable mitigation measures that would lessen the impact of the Expansion Project on the Sage Grouse. (*See* Cal. Pub. Res. Code § 21003(c).) Among other things, the DSSEIR does not adequately discuss whether Airport hours of operation might be restricted during the sage grouse's "display period" (mid-March through

I-28

[5] A lek is "a patch of ground used for communal display in the breeding season by the males of certain birds and mammals . . . . Each male defends a small territory in order to attract females for mating." (THE NEW OXFORD AMERICAN DICTIONARY 975 (2001).)

mid-May).[6] Indeed, the Town has indicated that there would be "no restrictions" on operations. (*See* Letter from Darrell M. Wong, California Department of Fish and Game to Herman C. Bliss, Federal Aviation Administration, at 2 (April 19, 2001)) (copy attached).

2. Bald Eagle (Federally Listed Threatened Species)

The DSSEIR contains an inadequate analysis of the environmental impacts that the Expansion Project would have on the Bald Eagle. While the DSSEIR claims without any stated basis that "[n]o indirect effects on the bald eagles, their habitat, or prey are expected to occur as a result of the proposed project," (DSSEIR at III-55), the DSSEIR fails to examine how growth-inducing impacts could lead to habitat loss. I-30

Likewise, the DSSEIR summarily (and improperly) concludes that the possibility that large jet planes might collide with the Bald Eagles would not "adversely affect" the Bald Eagle population, (DSSEIR at III-55), even though the DSSEIR recognizes that Bald Eagles have been seen perching less than a mile from the Airport. (*See* DSSEIR at III-54.) I-31

3. Owens Tui Chub (Federally Listed Endangered Species)

The DSSEIR mentions that a large population of Owens Tui Chub is located roughly three-quarters of a mile from the runway at Hot Creek headsprings. (*See* DSSEIR at III-54.) Without explanation or analysis, the DSSEIR concludes that because ground water flows to the east, and the Owens Tui Chub population is located in the northwest, the Expansion Project would have no significant impact on the Owens Tui Chub population. (*See* DSSEIR at III-54.) I-32

The DSSEIR fails to analyze: (1) whether growth-inducing impacts would damage the Owens Tui Chub's habitat; or (2) whether the flight emissions from the large jets would pollute the water in which the Owens Tui Chubs live. Moreover, as discussed above in Section IV(B), the DSSEIR does not explain how the Town plans to monitor the Owens Tui Chub's habitat for potential contaminants, nor does it explain how the Town might respond to hazardous contamination. I-33

4. Lahontan Cutthroat Trout (Federally Listed Endangered Species)

Hot Creek, located less then one mile from the proposed Expansion Project, is the most productive and popular wild trout stream in the region and in California, with over 15,000 angler days per year. In addition, the California Department of Fish and Game Hot Creek Hatchery is

[6] The DSSEIR merely states that "[o]bservations of sage grouse at the Jackson Hole Airport indicate that males are not easily disturbed by aircraft noise while on the lek." (*See* DSSEIR at III-41.) The DSSEIR, however, cites no other support for this conclusion, nor does it state how such "observations" were made, or who made them. I-29

also visited by tens of thousands of visitors each year, and the Hatchery is immediately adjacent to the proposed project.

The noise and air quality implications of hundreds of commercial jet takeoffs and landings on these existing attributes are not adequately evaluated in the DSSEIR. This is a serious oversight and deficiencies within the draft DSSEIR should be corrected. I-34

5. Sierra Bighorn Sheep (Federally Listed Endangered Species)

The DSSEIR concedes that a total of only 125 Sierra bighorn sheep currently survive. (*See* DSSEIR at III-36.) Two populations of Sierra bighorns exist roughly twelve and twenty miles, respectively, from the Airport. (*See id.*) The DSSEIR fails to analyze whether the Expansion Project would have a significant impact on the Sierra bighorns though increased noise I-35 or through habitat destruction resulting from growth-inducing impacts and increased tourism. Rather, the DSSEIR simply concludes that although large jets would fly at low altitude within three miles of sheep habitat, these jets would not affect the sheep. (*See* DSSEIR at III-55, III-56.) The DSSEIR contains no analysis of how noise affects Sierra bighorn behavior, nor does it state what the ambient noise level is in the two areas where the sheep live, nor does it explain how the Expansion Project might affect this noise level. The DSSEIR also concludes, without any factual support, that "[t]he potential increase in the number of tourists arriving at the Mammoth Lakes area would have no effect on the quota of back-country use permits issued by [the United States Forest Service]." (DSSEIR at III-56.) The DSSEIR, however, completely fails I-36 to consider the fact that greatly increased visitation would produce considerable pressure to increase backcountry quotas. Moreover, some visitors inevitably would engage in unpermitted backpacking and camping within the area. An EIR, therefore, must consider the degree to which the Expansion Project could damage the Sierra bighorn's habitat.

6. Other Species

The DSSEIR also fails to analyze several significant effects that the Expansion Project would have on various animal species. The DSSEIR, for example, does not adequately consider the potential impact of the fence plan on deer migration or whether the Expansion Plan should I-37 include migration corridors for the deer.[7] The DSSEIR also fails to adequately consider the Expansion Project's effects on raptors (including, but not limited to, bald eagles, golden eagles, I-38

[7] The DSSEIR only speculates that (1) Caltrans plans on constructing an undercross for the deer under Highway 395 and (2) the Town would post warning signs requiring motorists along Highway 395 to slow down for the deer. The DSSEIR, however, does not consider the impact of such an undercross, nor does it consider the impacts on traffic that would result from lower highway speeds or construction of an undercross. (*See* DSSEIR at III-58.). I-3

northern harriers, American peregrine falcons, Swainson's hawks, and rough-legged hawks). Rather, the DSSEIR summarily concludes that the Expansion Plan would have no significant impact on nesting raptors because the tree nesting habitats are over a mile away from the proposed flight patterns. (*See* DSSEIR at III-54, III-55.) This finding, however, is entirely based on the unsupported (and faulty) assumption that raptors would not fly outside of their nesting area. I-38

Accordingly, given the absence of analysis regarding these species, the DSSEIR is invalid under CEQA because it fails to fully consider reasonably foreseeable impacts on the area's biological resources. (*See Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 396 [253 Cal. Rptr. 426, 433]; *see also City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438 [263 Cal. Rptr. 340].)

E. The DSSEIR Mistakenly Concludes that the Airport Expansion's Impact on Air Quality in the Area Would Not Be Significant

The DSSEIR also improperly concludes that because emissions associated with the airport expansion would fall below a certain "de minimis" level, such emissions are not significant *per se*, even though the airport is within a non-attainment zone for particulate matter (PM-10) and within a ozone transport region for volatile organic compounds ("VOCs") and nitrogen oxides (NO_x). (*See* DSSEIR at III-22.) This reasoning, however, has been rejected by *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 2d 692, 718 [270 Cal. Rptr. 650]. Indeed, "[t]he relevant question to be addressed . . . [is] whether any additional amount of . . . emissions should be considered significant in light of the serious nature of the ozone [and PM-10] problems in this air basin." *Id.* Accordingly, "the information and analysis regarding the significance of increases in ozone levels [and PM-10s] is inadequate." *Id.* I-40

The DSSEIR also improperly fails to examine the effects of the Expansion Project on the air quality of the Town, itself. Not only does the DSSEIR ignore the issue of how jet emissions might effect the Town's air quality, but also, the DSSEIR ignores how increased vehicular traffic in Town would impact air quality. I-41

V. THE DSSEIR'S DISCUSSION OF GROWTH-INDUCING IMPACTS OF THE EXPANSION PROJECT IS INADEQUATE

An EIR must "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly, or indirectly, in the surrounding environment." (14 Cal. Code Regs. § 15126.2(d).) Despite this requirement, the DSSEIR fails to adequately consider the growth-inducing impacts of the Expansion Project.

A. Although the Proposed Airport Expansion Would Inevitably Induce Sprawl in the Area, the DSSEIR Provides Little or No Discussion of the Issue

The Expansion Project forecasts that hundreds of thousands of passengers would use the Airport annually. This dramatic increase in visitors likely would lead to substantially increased property development in the region, which would, in turn, inevitably induce significant sprawl in the Mammoth Lakes area. Yet, contrary to CEQA's mandate, the DSSEIR provides no discussion regarding the scope and mitigation of such sprawl. Rather, the DSSEIR summarily concludes that the Town's "urban limits policy" would restrict growth to high density development within the Town. (*See* DSSEIR at V-4, V-5.) As to growth outside of the Town's jurisdiction, the DSSEIR essentially assumes that there would be no such growth because various governmental bodies own most of the land. (*Id.*)

CEQA cases, however, make clear that existing plans and zoning do not set the bounds for CEQA impacts analysis because the Town obviously can amend such plans and zoning in the future. (*See, e.g., Stanislaus Audubon Soc'y v. County of Stanislaus* (1995) 33 Cal.App.4th 144.) In the *Stanislaus* case, the court held that the EIR required for a golf course project had to look at its potential to induce nearby residential development. Not only was there no current plan for such development of any land adjacent to the proposed course, that acreage was zoned for agricultural use. Nonetheless, the court held that potential residential development had to be explored because "[z]oning is subject to change and amendment of a general plan is not a rare occurrence." (*Id.* at 157.) I-3

Thus, the DSSEIR fails to comply with CEQA because it provides no analysis of where growth might occur, how such growth might impact the environment, or how such impacts could be mitigated. In addition, it should be noted that the Airport is located within a non-contiguous part of the Town. Thus, the Town has *no control* over sprawl that may occur near the Airport or in other areas outside its borders. As such, the Town's "urban limits policy" is insufficient either to (1) mitigate for the impact of sprawl caused by the expansion, or (2) to provide a valid basis for the conclusion that the expansion would not have a substantial impact on the environment. (*See* DSSEIR at V-4, V-5.)

B. The Growth-Inducement Analysis in the DSSEIR Is Faulty

The DSSEIR fails to analyze the growth-inducing impacts that the Expansion Project would have on the environment. Rather, the DSSEIR merely concludes, without any evidentiary support, that "[o]ther than the direct and indirect jobs related to employment at the airport, . . . growth is expected with or without the improvement of the airport." (DSSEIR at V-4.) It is disingenuous for the DSSEIR to assert on the one hand that hundreds of thousands of passengers I-4

would use the Airport, while claiming on the other hand that the related increase in tourism would have no secondary growth-inducing impacts. Indeed, the DSSEIR projects that there would be an increase in tourism that would "stimulate secondary economic growth in services offered by the community, such as additional hotels and restaurants." (DSSEIR at V-4.) The DSSEIR claims (again with no evidentiary support), however, that this tourism increase would occur with or without the jet service promised in the Expansion Plan. (*See id.*) Thus, the DSSEIR does not comply with CEQA because, rather than discussing how the Expansion Project could foster economic or population growth, and how the environmental impacts of this growth could be mitigated, the DSSEIR nonsensically concludes that such growth would not be attributable to the Expansion Project. I-43

C. The DSSEIR Provides No Information Regarding the Proposed Luxury RV Park

The DSSEIR states that the Mammoth Lakes airport expansion would include the construction of a luxury RV Park. (*See* DSSEIR at iii, xii.) The DSSEIR, however, provides no information regarding the specifications, construction, or use of the RV park. Nor does the DSSEIR assess how the RV park could foster further secondary growth. I-44

VI. THE DSSEIR'S DISCUSSION OF CUMULATIVE IMPACTS OF THE EXPANSION PROJECT IS INADEQUATE

If the project's incremental effect is cumulatively considerable, when viewed in conjunction with other developments in the area, an EIR must discuss the project's cumulative impacts. (*See* 14 Cal. Code Regs. §15130(a).) Under CEQA, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (*Id.* §15130(a)(1).)

The DSSEIR incompletely details some potential impacts caused by increased population resulting from the airport expansion, including increased fire danger, habitat loss, increased numbers of dogs and cats, tourists camping away from established campsites, and overdraft of water. The DSSEIR, however, remarkably concludes that these impacts would not be significant.

While the DSSEIR states that nine other projects are currently proposed in the region, the Town only considers two of those projects to have cumulative impacts with the airport expansion project. (*See* DSSEIR at II-9.) The DSSEIR fails to comply with CEQA because it does not explain why the seven other projects raise no issues concerning cumulative impacts. I-45

Moreover, the DSSEIR improperly fails to define the relevant geographic area for cumulative-impacts analysis, as required by 14 Cal. Code Regs. §15130(b)(1)(B)(3). Rather, the DSSEIR merely states that there are nine other potential projects in the region that could have cumulative impacts, without identifying what the relevant region is, or how the DSSEIR defines this region. Moreover, the DSSEIR fails to consider the cumulative impacts of any projects outside the undefined region. I-46

VII. THE DSSEIR DOES NOT CONSIDER THE PROPER RANGE OF ALTERNATIVES

The DSSEIR's analysis of alternatives violates CEQA. The CEQA Guidelines provide that EIRs shall "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project . . . ." (Pub. Res. Code § 15126.6(a).) All of the alternatives considered by the DSSEIR, with the exception of "No Project," would have greater impacts than the proposed project, in direct contravention of the Guidelines.[8] Because the DSSEIR does not consider *any* expansion feature that would have a less significant impact upon the environment than the Project, the DSSEIR misleadingly suggests that the Project is the most desirable alternative from an environmental perspective. Accordingly, the DSSEIR's "alternatives" analysis is invalid under Publ. Res. Code § 15126.6(a). I-47

The DSSEIR's summary rejection of all alternatives that would have a less significant impact upon the environment is improper. (*See* Pub. Res. Code § 21003; 14 Cal. Code Regs. § 15126.6.) Most notably, the DSSEIR rejects the possibility of constructing an airport elsewhere. (*See* DSSEIR at IV-26 to IV-29.) For example, the DSSEIR declines to consider development at nearby Bishop, arguing that Bishop is too far from the attractions in the Mammoth Lakes area. (*See id.*) In reality, Bishop offers a viable alternative that the Town must consider because: (a) Bishop is only about 40 miles away; (b) Bishop is the largest community in the North Inyo/South Mono county area; (c) Bishop provides a central location to many local attractions; (d) Bishop provides a more central and convenient hub for the larger area's attractions; (e) Bishop's airport is at a lower altitude, resulting in lower payload penalties; (f) Bishop offers fewer obstructions and better weather; and (g) Bishop currently has several existing runways, and improvements already funded and in progress. All of these factors indicate that a potential expansion of Bishop offers a feasible alternative to the Expansion Project, and under CEQA this alternative warrants consideration and review. (*See Laurel Heights*, 47 Cal.3d at 403.) I-48

[8] Of course, the "No Project" alternative makes no attempt to attain any of the Expansion Project's basic objectives as is required by CEQA.

VIII. BECAUSE THE EXPANSION PROJECT WOULD HAVE SUBSTANTIAL IMPACTS ON THE ENVIRONMENT, THE TOWN MUST FILE AN EIR RATHER THAN A SUPPLEMENT TO AN EIR

As discussed briefly above, the DSSEIR is styled as a mere supplement to the 1997 SEIR. Under CEQA Guidelines § 15163, a lead agency "may choose to prepare a supplement to an EIR rather than a subsequent EIR" if, *inter alia*, "[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." The DSSEIR does not, however, propose "minor additions or changes" to the 1997 SEIR/EA, but rather sets forth a new development plan that will have substantial impacts on the environment as discussed above. Indeed, the DSSEIR consists of more than 450 pages (including attachments), which confirms the fact that it does not set forth minor changes or additions to the 1997 SEIR. Such extensive changes require the filing of a complete EIR for the Expansion Project. I-49

If the Town wishes to pursue the Expansion Project, then we respectfully submit that the Town should combine a future Environmental Impact Report with an Environmental Impact Statement, so that the NEPA and CEQA aspects of the Expansion Project can be considered together. Both NEPA and CEQA strongly recommend such coordination. (*See* 40 C.F.R. § 1506.2 (2001); 14 Cal. Code Regs. § 15222.) Coordination of the CEQA and NEPA processes would not only serve to eliminate duplicative procedures, but would also create much needed clarity, which would help the public to review and understand impacts of the Expansion Project. As it stands, the public must not only sift through the DSSEIR, but also cross-reference it with the 1986 EIR, the 1997 SEIR, and the 2000 EA/FONSI. This cumbersome process should be streamlined. I-50

IX. CONCLUSION

In light of the overwhelming number of legal deficiencies in the DSSEIR discussed above, the DSSEIR clearly does not provide an adequate basis under CEQA upon which to approve the Expansion Project. Before any final approval can be given to the Expansion Project, a significantly revised subsequent EIR must be prepared. Such a document must correct the informational and analytical gaps in the DSSEIR and must present and analyze a range of environmentally superior alternatives that can be compared to the Expansion Project. Moreover a subsequent EIR must be circulated in draft form for full public comment because it would I-51

present new data and analysis that are essential in analyzing the environmental impacts of the Expansion Project.

Thank you for this opportunity to comment on the DSSEIR.

Very truly yours,

Cooley Godward LLP

Kathleen H. Goodhart
James C. Maroulis
John Kinsey

Attachments

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME
Eastern Sierra-Inland Deserts Region
Bishop Field Office
407 W. Line Street
Bishop, CA 93514
(760) 872-1171

April 19, 2001

Mr. Herman C. Bliss
Manager, Airports Division, AWP-600
Federal Aviation Administration
P.O. Box 92007, Worldway Postal Center
Los Angeles, CA 90009

Dear Mr. Bliss:

The Department of Fish and Game (Department) has reviewed the Supplemental Information to the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Mammoth Yosemite Airport Expansion Project, SCH #200102045, dated March 19, 2001. The Department continues to believe that the EA does not contain the necessary supporting data and references to convincingly demonstrate that there would be no significant effects on the environment. The Department believes that the proposed project has the potential to have significant impacts on biological resources. We believe that either the EA should be rewritten to include mitigation measures, or an Environmental Impact Statement (EIS) should be prepared.

The Department is providing comments on this Supplemental Information as the state agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department provided comments on the proposed project on January 8,

Mr. Herman C. Bliss
Mammoth Yosemite Airport Expansion Project
April 19, 2001

The Department provided comments on the proposed project on January 8, 2001, November 14, 2000, and March 16, 2000. The Department continues to believe that impacts to sage grouse could be significant. The Department had proposed earlier that an effective mitigation measure could be to restrict the use of the flight corridor during the display period (mid-March through mid-May) to between the hours of mid-morning to late afternoon. We were told at a meeting on November 29, 2000, that the Town of Mammoth Lakes would not restrict the air carriers' hours of operations. However, the Supplemental Information currently under review states that disturbance to grouse is not likely if flights are at mid-day when birds would be away from the leks. The Department continues to believe that disturbance to sage grouse resulting in significant impacts to the Long Valley population could occur without these restrictions on operating hours.

The Supplemental Information also cites information collected from a sage grouse lek located at the Jackson Hole Airport. The two situations may not be comparable because the information provided does not indicate the level of use of the Jackson Hole Airport, the type of aircraft, the hours of operation, the effects on female sage grouse, or long-term effects on the population. Additionally, as stated in our November 14, 2000 letter, the Long Valley sage grouse population is a small, genetically distinct population of sage grouse. As such, it is more vulnerable to disturbance and potential population decline.

The growth-inducing impacts of the project have not been addressed in the Supplemental Information. The Department continues to believe that the proposed project could have significant, growth-inducing impacts to sage grouse, mule deer, Sierra Nevada bighorn sheep, raptors, and other wildlife species in the area. Recent news broadcasts report that the Town of Mammoth Lakes Strategic Marketing Plan projects that one million additional skier visits per season are necessary in order to keep existing lodging profitable. The airport expansion project will undoubtedly play a key role in providing these additional visitor use days. Additional visitation will result in increased human presence and disturbance in backcountry and front country areas, and additional pressures to adjacent public lands and biological resources on those lands.

We continue to believe that the cumulative and growth-inducing impacts of the Airport Master Plan need to be revisited and updated. Recent changes in the habitat capability of sage grouse and resulting population declines have occurred throughout the range of the sage grouse, necessitating listing of one population, and increasing concern on the part of biologists and land managers for the remaining populations. Additional information regarding the genetic isolation of the Long Valley population has also come to light within the last year. The analysis conducted in the 1997 Airport Master Plan EIR is out of date should be updated. We believe that a thorough analysis of the developments proposed for the Long Valley area, and their impacts to sage grouse, should be conducted. Direct, indirect, growth-inducing and cumulative impacts

impact analysis of the Long Valley population as a whole, as well as impacts to individual leks. The analysis should include impacts at full build-out and maximum operational level of the airport. A comprehensive mitigation plan for these impacts should be prepared. This analysis and mitigation plan should include lands owned, managed, or administered by the Town, Mono County, USFS, BLM, DWP and private lands. Potential mitigation measures could include relocation of the county landfill, to reduce raven predation on sage grouse eggs and chicks, closing roads into sage grouse habitat, or purchase of grazing leases.

The information on bird strikes in the Supplemental Information does not address potential impacts to bald eagle, a state and federal listed species. As we have stated in our earlier comments, the Hot Creek, Crowley, and Laurel Pond areas surrounding the airport support concentrations of wintering bald and golden eagles. At a meeting on January 19, 2001, consultants for the project discussed a study which investigated the effects of jet aircraft on bald eagles. Our understanding was that this study would be presented in the Supplemental Information. Although the Supplemental Information contains a fairly thorough discussion of the risk of bird strikes by passerines, the use of the airport area by bald eagles is not mentioned. No studies investigating impacts of jet aircraft on bald eagles are mentioned in the Supplemental Information. We believe that this issue deserves a thorough analysis.

We have not received a copy of the Biological Assessment (BA) addressing impacts to bald eagle, Owens tui chub, Sierra Nevada bighorn sheep, and Lahontan cutthroat trout. The information in the BA should be presented in the EA as well. Since these species are state-listed as well as federally-listed, the Department will need to review the BA in order to determine if take could occur, and if an Incidental Take Permit under the California Endangered Species Act will be required. According to the USFWS, consultation pursuant to Section 7 of the Endangered Species Act had not yet occurred as of April 14, 2001.

The fence design and location should also be coordinated with Caltrans, as well as with the Department and the U.S. Forest Service. Analysis of deer migration corridors indicates that it may be necessary to construct one or more underpasses for migrating deer under Highway 395. Fencing along both sides of Highway 395 to funnel deer to the underpasses may also be necessary. A solution to the problem of deer crossing Highway 395 at Hot Creek Road must also be developed. This deer fencing and mitigation plan should be developed by the responsible agencies and included in the EA.

In summary, the Department believes that the Supplemental Information provided has not demonstrated that there will be no significant effect on the environment, and therefore, a FONSI is inadequate for this project. Either an EIS should be prepared for the project, or the EA and FONSI should be rewritten to include mitigation capable of reducing impacts below the level of significance.

Thank you for the opportunity to comment on the proposed project. If you have any questions, you may contact me at the letterhead address, or call Ms. Denyse Racine, Environmental Specialist III, at (760)872-1158.

Sincerely,

Denyse Racine for

Darrell M. Wong, Supervisor
Habitat Conservation Program

cc: Mr. Brian Grattidge, State Clearinghouse
Mr. Bill Taylor, Town of Mammoth Lakes
Dr. Elisha Novak, FA
Mr. George Walker, USFWS
Mr. Steve Addington, BLM
Ms. Kathleen Morse, USFS
Mr. Jeff Bailey, USFS
Mr. Bill Manning, Town of Mammoth Lakes
Ms. Janill Richards, DAG, Environment Section, DOJ
Ms. Katy Walton, Caltrans

U.S. Department of Justice

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July 24, 2001

Susan Britton
Earthjustice Legal Defense Fund
180 Montgomery Street, Suite 1725
San Francisco, CA 94101

Trent W. Orr
96 Manchester Street
San Francisco, CA 94110

Dear Susan and Trent:

As we discussed on July 11, the Federal Aviation Administration (FAA) is currently responding to comments received after the Finding of No Significant Impact (FONSI) was issued and is engaged in consultation with various agencies. At this time the FAA has not made a final decision under the National Environmental Policy Act or taken final agency action to approve a revised airport layout plan (ALP) based on the FONSI. At a future date, FAA will determine whether to approve the proposed airport expansion and will issue a separate record of decision (ROD) to document the agency's final, reviewable action. As you requested, for purposes of this litigation, if the ALP is approved the FAA agrees to identify the statutory bases for its decision in the ROD.

In light of the foregoing, we ask that you voluntarily dismiss the complaint without prejudice, as we believe the claims therein are not ripe for judicial review. Defendants are amenable to a stipulation and order to that effect, thereby allowing plaintiffs to petition for fees at a future date; however, defendants make no representations, nor should any be inferred, about plaintiffs' entitlement to fees in this action.

I look forward to your favorable response, and appreciate your cooperation in this regard.

Very truly yours,

ROBERT S. MUELLER, III
United States Attorney

RICHARD P. LAVERDURE
Special Assistant United States Attorney

cc (via e-mail):

Daphne Puller, FAA
Paul Smith, DOT

ROBERT S. MUELLER, III (SBN 59775)
United States Attorney
CHARLES M. O'CONNOR (SBN 56320)
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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIERRA CLUB; NATIONAL PARKS CONSERVATION ASSOCIATION; CALIFORNIA WILDERNESS COALITION; and NATURAL RESOURCES DEFENSE COUNCIL,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF TRANSPORTATION; NORMAN Y. MINETA, Secretary of Transportation; FEDERAL AVIATION ADMINISTRATION; and JANE S. GARVEY, Administrator, Federal Aviation Administration,

Defendants.

NO. C 01-01892 MEJ

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE

By and through their respective counsel, and pursuant to F.R.Civ.P. 41, the parties hereby stipulate that the complaint be dismissed without prejudice in light of the following:

Defendants represent that with respect to the subject matter of this action, they have made no final decision nor taken final agency action under the National Environmental Policy Act (NEPA) based on the Finding of No Significant Impact (FONSI) dated December 21, 2000. The Federal Aviation Administration (FAA) intends to issue a separate Record of Decision (ROD) to document any final action that approves a revised airport layout plan. Thus, the parties stipulate and agree that this matter should be dismissed without prejudice.

Dated: Aug. 5., 2001

Respectfully submitted,

ROBERT S. MUELLER, III
United States Attorney

RICHARD P. LAVERDURE
Attorneys for Defendants

Dated: August 9, 2001

TRENT W. ORR
96 Manchester St.
San Francisco, CA 94110

DEBORAH S. REAMES
SUSAN BRITTON
Earthjustice Legal Defense Fund
180 Montgomery St.
San Francisco, CA 94104
Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8-10-01

MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE

PRIVATE INDIVIDUAL COMMENTS

I. Sierra Club, California Wilderness Coalition, Natural Resources Defense Council, California Trout, Inc., National Parks Conservation Association (represented by Cooley Godward and Earthjustice)

Response to Comment I-1

The commentor incorrectly suggests that the proposed project seeks to transform a local Airport. This comment ignores the critical facts that air carrier service at the Airport has already been approved and evaluated under CEQA, that such air carrier service with jet aircraft has already been provided at the Airport in the past, and that this Supplemental EIR is evaluating changes to the previously approved expansion plan. The jet aircraft that would provide the proposed commercial service would be only a part of the total number of aircraft operations at the Airport (5,000 out of a total of 23,450 in the year 2022). This translates into less than fifteen operations per day for the future year 2022.

The use of enplanements (an enplanement represents one passenger boarding an aircraft) as a unit for analyzing passenger counts is standard FAA methodology, and is consistent with the dictionary definition provided in the comment. Airport operators and airlines frequently plan and manage air passenger service by tracking, on a monthly and annual basis, enplanements per airline, per destination, and so forth. Enplanement is, therefore, a common data point used in the air passenger service industry. Passengers are assumed to make a round-trip through an airport, therefore this definition of enplanements accurately reflects passengers and their impacts because an enplanement captures each "visit" to an airport by a passenger – coming and going. This definition is clearly explained in the document on Page I-6 of the Supplement

Response to Comment I-2

The Supplement has analyzed the environmental impact of forecast passengers using the Airport if the proposed project is built. Please also see Response to Comment I-1 for the validity of use of enplanements as the unit for passenger counts and Responses to Comments B-7, B-11 and B-12 for discussion on cumulative analysis and growth inducing impacts of the proposed project. The commentor incorrectly states that the 1986 EIR/EA does not contemplate jet service. The forecasts of aircraft operations on Page 35 of the document envision large turbo prop and jet aircraft operations.

Response to Comment I-3

Although the FAA has not yet issued a Decision regarding its December 2000 Finding of No Significant Impact, the report and its conclusions are in the public record and are accurately reflected in the Supplement. (See CEQA Guidelines 15150 (a).)

Response to Comment I-4

Despite the error pointed out by the commentor, the Notice of Preparation informed the public that an environmental review would be conducted and available for public review and comment. As explained in the Response to Comment B-4, a subsequent and a supplemental EIR require fundamentally the same level of analysis and public review. Therefore notice of one is functionally equivalent to notice of the other. As best illustrated by these very comments on the Supplement, the Notice of Preparation issued by the Town served the purposes intended by CEQA.

Response to Comment I-5

While the comment asserts that the Supplement "misleadingly" implies that the Expansion Project is smaller in scope than the project referenced in the 1997 Subsequent EIR/EA, the comment itself in fact seriously mischaracterizes the true extent of the project. The facts are as follows:

- Because the currently proposed expansion only lengthens the runway by 1,200 feet instead of 2,000 feet as evaluated in the 1997 Subsequent EIR/EA, the expansion will take place entirely within already disturbed lands and almost entirely within existing Airport property. Widening the existing runway, therefore, has far less severe impacts than lengthening the runway by another 800 feet because under the current project there will be no disturbance of previously undisturbed land. Indeed, the current proposal would impact thirteen fewer acres of land than the prior proposal. (See Supplement at Exhibit III-14 and III-15.)
- The comment's claim that the currently proposed project is "nearly two-and-a-half times as large as the 1997 plan" is itself misleading. Again, while the current proposal would add more paved surface in total than the prior proposal, the current proposal takes place within a more compact area and within an already disturbed area. Therefore, from an environmental impact perspective, it is in fact "smaller" than the prior proposal, not many times larger as the commentor claims.
- The comment's claim that the Supplement "is misleading in implying that only the added runway and taxiways would cause land disturbance" is itself misleading. Again, most of the additional pavement would be within the already graded, already disturbed Airport area. The runway extension area (already disturbed) requires little grading because it is already flat since it is at the end of an existing, operating runway. The comment speculates without support about additional grading being required, but that speculation is not consistent with the facts. Moreover, under the prior proposal, fills up to 12 feet high would have been required. This is avoided under the current proposal.

In sum, this comment largely consists of mischaracterizations of the facts and unsupported speculation. The correct facts are set forth above and in the Supplement.

Response to Comment I-6

The calculated areas of pavement and of land disturbance analyzed in Section 3.5 (See Exhibit III-14 and III-15) of the Supplement takes into account all design requirements for line of site, shoulders, safety areas, object free areas, and runway grade. The regrading of the runway and the impact of the final project have been evaluated in the Supplement.

Please also see Response to Comment I-5.

Response to Comment I-7

Strengthening the pavements and other improvements to the runway needed for use of the Airport by jet aircrafts has already been analyzed in the 1997 Subsequent EIR/EA.

Please also see Response to Comment I-5.

Response to Comment I-8

The currently proposed project will be constructed in phases. That is what the Supplement refers to when discussing project phases. All currently planned phases of the project are analyzed in the Supplement. No future expansion projects are planned nor are reasonably foreseeable at this time because the currently proposed expansion will fully accommodate commercial airline traffic as intended. A runway length analysis evaluating specific aircraft and markets was conducted and is included as Appendix E of the Supplement. This study concluded that an 8,200-foot runway was adequate for the aircraft service anticipated in the foreseeable future, including aircraft that are common in the current U.S. fleet of aircraft and those being purchased by aircraft operators. This analysis was also reviewed and concurred with by the FAA and American Airlines, the initial service provider anticipated at the Airport. Projections of future expansion beyond those serving the passengers contemplated under the marketing analysis would be speculative and therefore, counterproductive to the environmental analysis at hand. Accordingly, no description or analysis of a "future expansion project" is required or appropriate here. If any additional improvement to the Airport takes place in the future, those projects will be reviewed to calculate their impacts on the environment.

The environmental analysis of the proposed project includes future air passengers at the Airport, and facilities have been sized and designed to accommodate them. Public services and utilities demands and all other environmental effects evaluated in the Supplement include the passengers for which the Airport is being designed for as explained in Section 3.8.2.2. Please also see Response to Comment B-12.

Response to Comment I-9

The Supplement gives a detailed description of the fleet mix for the proposed project in the year 2022 in Table III-4 of the Supplement. It is important to note in the comparison of these forecasts that the final forecast year is 2015 in the 1997 Subsequent EIR/EA and 2022 in the Supplement. In the 1997 Subsequent EIR/EA the forecast number of operations was 34,430 in 2015 with 2,920 air carrier operations. In the 2001 Supplement the total number of aircraft operations forecast has decreased to 23,650 in 2022 with 5,000 air carrier aircraft operations.

As described on Page xi of the Supplement, there have been commuter service flights at the Airport as late as 1994, therefore it is not a new proposal to develop air service at Mammoth Yosemite Airport to regain skier numbers from prior years. Also, the projects analyzed in 1986 and 1997 contemplated commercial are service.

The typical seating capacities for Boeing 757-200 and Boeing 737-800 for American Airlines are 188 and 156 respectively with typical two class seating arrangement used by American Airlines. The comment incorrectly provides these numbers.

Response to Comment I-10

The commentor incorrectly states that (1) the Supplement used a non-standard definition of enplanements and (2) the Airport would generate a six-fold increase in the number of passengers using the Airport over what was reported in the Supplement. As stated in Response to Comment I-1, the Supplement uses enplanements as a unit for passengers as prescribed by the FAA. The 1997 Subsequent EIR/EA also uses the same definition of enplanements, hence the two forecasts are comparable. Any analysis in the Supplement that required the total number of people using the Airport, both enplaning and deplaning, was done by doubling the number of enplanements (adding the number of enplaning and deplaning passengers), which is consistent with the definition of the term enplanement. It should also be noted that the term enplanement is the standard industry terminology used in such analyses and evaluations.

Response to Comment I-11

The research done in preparing the Supplement demonstrated that there is a clear correlation between the number of skier days experienced at nearby ski resorts and the enplanement levels at the airports serving the region. When examining the correlation between skier days and enplanement levels at Yampa Valley Regional, Vail/Eagle County, and Aspen-Pitkin County airports, the following correlation factors were calculated:

A correlation factor of 100 percent indicates that the independent variable (e.g., skier days) completely explains the variations in the dependent variable (e.g., enplanements). As demonstrated by the correlation factors (0.63, 0.86, and 0.77) produced by the Yampa Valley Regional, Vail/Eagle County and Aspen-Pitkin County airports respectively, a relatively high correlation exists between skier days and airport enplanements.

YAMPA VALLEY REGIONAL AIRPORT

Year	Estimated Winter Enplanements (100%)	Skier Days
1994	69,299	1,037,320
1995	93,173	1,027,701
1996	97,975	1,035,110
1997	110,170	1,121,487
1998	110,621	1,068,091

Correlation Factor = *0.6272*

VAIL/EAGLE COUNTY AIRPORT

Year	Estimated Winter Enplanements (100%)	Skier Days
1994	52,039	4,667,635
1995	70,094	5,476,402
1996	99,057	5,896,743
1997	143,887	6,136,048
1998	152,766	5,935,018

Correlation Factor = ***0.8581***

ASPEN-PITKIN COUNTY AIRPORT

Year	Estimated Winter Enplanements (100%)	Skier Days
1994	143,430	1,542,094
1995	120,411	1,518,723
1996	126,403	1,433,187
1997	134,889	1,536,309
1998	149,106	1,661,775

Correlation Factor = ***0.7687***

As presented in the study, for the Base Case Scenario, an enplanement per skier day ratio of 0.085 was assumed. (See Appendix H of the Supplement.) This ratio was based on the following factors:

- The five-year average ratio of enplanements per skier days at Vail/Eagle County Airport of 0.018 is influenced greatly by the fact that the region is served by a very high number of ski resorts. In addition, the Vail/Eagle County Airport's close proximity to Denver International Airport with direct highway access, creates competition for visitors to the region. As a result, the ratio of enplanements per skier days at Vail/Eagle County Airport were considered too low for enplanements at Mammoth Lakes to be modeled after.
- Due to the comparable size and number of ski resorts in Vail and Aspen, the five-year average ratio of enplanements per skier days at Vail/Eagle County, Yampa Valley, and Aspen-Pitkin County airports (0.097, 0.091 and 0.087, respectively) were considered to be more inline with what might be experienced at Mammoth Lakes. In addition, similar to Mammoth Lakes, these airports are generally not in close proximity to nearby competing airports. As such, the ratio of 0.085 enplanements per skier day was considered to be reasonable, and was based on the levels experienced at Aspen-Pitkin County Airport as it was found to be most similar to the Mammoth Yosemite Airport.

Historical skier day figures were not available for the ski resorts in the vicinity of Jackson Hole and Glacier Park International airports, and as such could not be used to develop comparable enplanement to skier day ratios.

Please also see Response to Comment B-7.

Response to Comment I-12

The comment incorrectly states that the proposed project would result in thousands of air carrier flights from large cities such as Chicago and Dallas. As explained in Appendix H of the Supplement, the initial service provided by American Airlines would be from the airlines two major hubs located at Chicago and Dallas. But it is anticipated that in the future the air service would be provided from other cities such as Los Angeles, San Francisco, and Las Vegas where the majority of the visitors to the Mammoth Lakes area originate.

The Supplement concludes on the basis of evidence from other comparable airports at other ski resorts that approximately 70 percent of arriving passengers on commercial airline flights allowed by the expansion project will use public transit or private shuttle buses. Private shuttles are already available to serve the airport and the Town is working to upgrade the public transportation system. This conclusion, and the related traffic analysis contained in the Supplement, as well as that contained in the 1997 Subsequent EIR/EA, demonstrate that the project will not have significant secondary traffic impacts.

As discussed in Section 3.4.2 of the Supplement, the estimate that 70 percent of commercial airline travelers will use transit is based on the following data sources:

- For the purposes of the analysis, it was assumed that all general aviation users would continue to use private vehicles. This is a conservative assumption in that some general aviation users may elect to use transit.
- Discussions with airport managers at comparable airports indicate that shuttle bus services capture 60 to 90 percent of visitors destined for hotel/resort/ski area:
  - Yampa Valley Regional Airport serving the Steamboat Springs ski area in Colorado reports that 90 percent of visitors are shuttled by bus to the hotel/resort/ski area.
  - Gunnison County Airport serving Crested Butte and Monarch ski areas in Colorado reports that 60 to 65 percent of visitors are shuttled by bus to the hotel/resort/ski areas.

The traffic analysis in the Supplement is based on enplanements, which is based on demand (skier days), and supply (number of flights and the capacity of Airport). The origin of the passengers is irrelevant to the traffic analysis. The traffic study addresses an increased number of automobile travelers from Southern California who would visit the area, by incorporating a one percent annual increase in traffic on U.S. Highway 395 compounded for 20 years, even though the Town anticipates that the Airport expansion project will result in a reduced rate of increase in car trips from Southern California. This annual increase data was supplied by Caltrans.

For analysis purposes, visitors arriving at Mammoth Yosemite Airport have been spread amongst buses, shuttle vans, rental cars, private vehicles, and private vehicle pick-up and drop-off modes. The modal split applied is 60 percent to buses, 10 percent to shuttles, 12.75 percent to rental cars, 4.5 percent to private parking, and 12.75 percent to private pick-up and drop-off. This is based on existing modal split at comparable airports.

The transportation consultant has reviewed the trip generation characteristics and the allocation of passengers to different modes (buses, vans, rental cars, etc.) for reasonableness and concurs with the data.

Please also see Response to Comment B-12.

Response to Comment I-13

The number of fuel trucks serving the Airport is provided on Page I-10 of the Supplement. It is expected that one or two fuel trucks per day would service the Airport for the 2022 forecast aircraft operations. This number represents a negligible fraction of the traffic that uses U.S. Highway 395, which includes fuel and other types of trucks serving Town of Mammoth Lakes and other communities in that area. It should also be noted that a similar number of trucks also served the Airport in the early 1980s, when there were greater number of operations, without any problems. Therefore, it is anticipated that these fuel truck operations would have no impact on traffic on U.S. Highway 395.

Response to Comment I-14

The traffic study utilizes Institute of Transportation Engineers (ITE) trip rates for the gasoline service station, hotel, campground, and high turnover sit-down restaurant. The specific rates are from the ITE Trip Generation 6th Edition, land use codes 845, 310, 416, and 332, respectively. All these rates were "averages" from the ITE trip generation data. Use of the ITE average rates is commonly done and it is especially conservative in this analysis because both the service station and restaurant rates are reflective of urban locations, not remote rural conditions, which will be lower. The trip rates for the residential high density (seasonal) land use were based on approved rates from the Town of Mammoth Lakes for application in traffic impact studies.

Please also see Response to Comment I-12 for more information regarding modal split of passengers used in the Supplement's traffic analysis.

Response to Comment I-15

For explanation of the application of pass-by trips, please see Responses to Comments L-21, L-22, and L-24. Project pass-by trips are never eliminated or removed. Instead, they are simply diverted from U.S. Highway 395 into the project and back out again onto U.S. Highway 395. The percentage assigned to pass-by character for each land use is reflective of the remote location of these uses. For example, the service station, due to its remote location, is likely to attract the vast majority of its trips (90 percent) from the existing traffic stream on U.S. Highway 395. Very few trips (10 percent) are projected to be single purpose, meaning they stop only at the service station and return in the opposite direction.

The restaurant trips are not removed, but rather 75 percent are assumed to come from the hotel, gas station, residential development, and campground, and the balance (25 percent) as pass-by trips from traffic already on U.S. Highway 395, which will stop at the restaurant, eat, and then continue on in the same direction on U.S. Highway 395. Because of its common type and remote location, it is not anticipated that the restaurant would draw single purpose visitors, for example from Bishop or Mammoth Lakes, who would drive there, eat, and return in the opposite direction.

Response to Comment I-16

If the proposed project were implemented, the Level of Service (LOS) at the intersection of U.S. Highway 395 and Hot Creek Road could be as high as LOS F without the mitigation measures explained on pages III-67 through III-70 of the Supplement. After the implementation of these mitigation measures, LOS D would be obtained, which is acceptable under Caltrans specifications. Avoidance measures are not required at LOS D, because it is the upper level of acceptable conditions.

Response to Comment I-17

The purpose of the traffic counts taken on November 16, 2000, was to determine ambient turning movement traffic levels for Hot Creek Road only. Traffic volumes on Hot Creek Road would not be affected by the winter ski season. The attractions served by this road are the fish hatchery, Hot Creek Ranch fly fishing camp, Hot Creek (closed in the winter), and a geologic site. Traffic to these sites would not be increased in the winter ski season. Turning movements are always taken manually (i.e., by hand) and cannot be accurately counted mechanically. The hand counts reflect very low volumes of less than 20 vehicles per hour per direction.

The traffic volumes for U.S. Highway 395 were provided by Caltrans for purposes of analysis in this traffic impact study (See Page 4 of Appendix L of the Supplement.) The peak-hour traffic volumes were obtained from the Caltrans Annual Traffic Count data (1999) for U.S Highway 395 between McGee Creek Road and the junction of Route 203. The traffic volumes represent a peak month. On roads with large seasonal fluctuations in traffic such as U.S. Highway 395, the peak hour is the hour near the maximum for the year but excluding a few hours (30 to 50) that are exceedingly high and are not typical of the frequency of the peak hours occurring during the season. This is standard Caltrans practice.

Response to Comment I-18

Peak levels are an important part of the traffic analysis. Peak levels occur in the winter; therefore it is an appropriate time to look at winter traffic volumes for a traffic analysis, as done in Section 3.4 of the Supplement. In the past year, bus shuttle service has been started from various gateway towns including Mammoth Lakes to Yosemite National Park. This bus service, in conjunction with other initiatives to reduce vehicular traffic in the region, would result in an improvement in traffic conditions. Summer traffic peak hour volumes are less than those in winter, therefore, winter peak hour volumes are the most appropriate to analyze.

The p.m. peak hour typical winter weekend condition was identified for traffic impact analysis purposes based on previous work conducted for the Town of Mammoth Lakes and Caltrans, which determined that it was representative of the 30th highest hour during the year. (See Appendix K of the Supplement.) This previous work involved an analysis of daily traffic volumes on Route 203 entering the Town of Mammoth Lakes. Caltrans has a continuous count station on Route 203 east of Old Mammoth Road. An examination of each day's traffic volume for a two-year period was performed. This analysis resulted in the conclusion that a typical winter weekend p.m. peak hour (i.e., Saturday) represented an appropriate design (i.e., 30th highest hour of the year) and environmental condition. This concept of the 30th highest hour is used by Caltrans for impact analysis and highway design purposes. The winter weekend peak hour also has the most pronounced

directional split of traffic resulting from the closing of the mountain skiing activities at the end of the day. This again represents the most severe traffic condition compared to non-winter months.

The peak tourist months at the other destinations/resorts in the area like Yosemite National Park would be in summer months, or off-peak from the Mammoth winter ski months. It should also be noted that the east entrance of Yosemite National Park through Tioga Pass the entrance most accessible from Mammoth Lakes, is closed during winter months.

Response to Comment I-19

The traffic modeling for the Town Transportation and Circulation Element is based upon full development of the community and includes arrival trips by private automobile. To the extent that Airport patrons utilize transit to a greater degree than visitors arriving by private vehicle, there will be a reduction in vehicle trips from that anticipated in the General Plan and Air Quality Management Plan. Please also see Response to Comment I-12 regarding the validity of the assumption that a majority of Airport patrons will use public transit or shuttles. These bus shuttles would work in conjunction with the existing bus service in the Town of Mammoth Lakes hence decreasing the traffic impacts. The proposed project will improve existing and future traffic conditions by providing an alternative mode of transportation to people who are presently forced to drive to Mammoth Lakes.

An analysis of short term and long range (Town build out) traffic conditions within the Town has been completed by the Town in the recently certified Final Subsequent Program EIR for North Village 1999 Specific Plan Amendment. The Town of Mammoth Lakes level of service (LOS) standard for roadway segments and intersections is LOS D, which correlates to a volume-to-capacity (v/c) ratio of 0.90 or better. Additionally, the Town accepts worse than LOS D roadway segment operation if all intersections along such a roadway segment are demonstrated to operate at an acceptable LOS (LOS D or better) for a typical winter Saturday p.m. peak hour condition, or other time frames as deemed necessary by the Town. Currently, all roadway segments studied in the Specific Plan were operating at an acceptable LOS for typical winter Saturday conditions. The full buildout of the proposed project would generate approximately 15,419 additional typical Saturday daily trips in the Town. Implementation of recommended mitigation measures included in the Specific Plan EIR would reduce potentially significant impacts to a less than significant level. Collectively, at buildout, the 1999 Specific Plan Amendment, as proposed, is forecast to generate 20,200 daily trips, of which approximately 1,876 trips are forecast to occur within the peak hour for a peak winter Saturday condition assuming implementation of the proposed 1999 Specific Plan Amendment. All roadway segments studied in the EIR are forecast to operate at an acceptable LOS assuming buildout of the Town General Plan with the proposed 1999 Specific Plan Amendment.

Response to Comment I-20

The package treatment plant is designed to handle the expected sewage (8,000 gallons/day) produced at the Airport with the implementation of the proposed improvements at full buildout in 2022. (See Supplement at Page III-80.) Sludge from the sewage treatment plant will be disposed of at the Benton Crossing Land Fill. This facility already accepts sludge from the Mammoth Community Water District.

Response to Comment I-21

Please see Responses to Comments C-1 and C-14.

Response to Comment I-22

Please see Response to Comment C-1.

Response to Comment I-23

Please see Response to Comment C-1. No storm water runoff infiltrates the ground at the edge of paved surfaces. Maximum displacement of point of infiltration will be 100 feet. Fuel spills from possible accident will be handled as set forth under Emergency Response Plan.

Response to Comment I-24

This comment is beyond the scope of the Supplement because the introduction of commercial jet air carrier service has already been analyzed in the previously certified 1997 Subsequent EIR/EA and the 1986 EIR/EA. The changes in the proposed project since the certification of these environmental documents would not result in significant noise impacts. Nonetheless, the Town provides the following response.

The comment starts from an incorrect premise that "[a]n overall increase in noise would result from the [project's] introduction of large commercial jet traffic at the [A]irport." As discussed in Response to Comment B-9, a noise analysis was also done to compare single-event noise analysis for sage grouse lek site 2. (See Supplement at Section 3.3.2.2.) This analysis showed that the B-757 aircraft would produce less single event noise than aircraft in the existing fleet and flight patterns at the Airport. Also, the adjacent highway contributes to a high level of ambient noise at the Airport. (See Supplement at pages III-84 - III-94.) The Airport is not a pristine, quiet environment as the comment implies. Instead, it is an existing, operating airport alongside a busy highway.

Furthermore, there are very few sensitive receptors in the vicinity of the Airport. The comment's claim that "local residents, businesses, and tourists would suffer increased noise from thousands of Boeing 757-200s and 737-800s flying overhead" contains multiple inaccuracies. First, local residents, businesses and tourists would "suffer" no increased noise from the project because the Airport is sufficiently far from the Town and other local residences that the noise has been attenuated to a level that is not significant. The noise contour maps in the Supplement graphically demonstrate this point. (See Supplement at pages III-88 though III-91.) The flight path diagrams in the Supplement also demonstrate that few planes would actually fly over the Town or other residential areas. (Supplement at Exhibits III-6 and III-7.) Second, citing "thousands" of aircraft overstates the fact that the actual number of commercial aircraft operations (landings and takeoffs) at the Airport in 20 years will be less than 15 per day, and initially will be only four or six per day.

The comment also refers to CEQA Guidelines Appendix G and its list of five categories of noise that may constitute a significant impact. The proposed project does not satisfy any of these criteria.

- First, the proposed project would not expose persons to noise levels in excess of standards established in the Town of Mammoth General Plan or noise ordinance or any other applicable

standard. (See Town of Mammoth Lakes General Plan, Noise Section.). The General Plan recognizes that there is an existing, operating airport at this site. Also, as previously stated, existing aircraft operating at the Airport that are louder than the jets that the project would accommodate. Further, at its peak, the proposed jet service would be about one-fifth of the total annual operations at the Airport. Thus, the proposed jet service will add little, if any, to the existing noise generated by the Airport.

- Second, the proposed project would not result in the exposure of persons to excessive groundborne vibration or groundborne noise levels. Again, the project site is an existing, operating airport used by aircraft that are louder than those proposed to be introduced. Also, the persons closest to the primary areas of groundborne noise or vibration on take off and landing of commercial air carrier aircraft would be persons driving by at high speed on U.S. Highway 395. U.S. Highway 395 is more than 400 feet from the runway centerline, and noise generated by planes taking off and landing would not be directed at the highway. Thus, the proposed project will not subject persons to excessive groundborne noise or vibration.
- Third, the project will not result in a substantial permanent increase in ambient noise levels in the project vicinity. The primary generator of ambient noise at the Airport is U.S Highway 395. The project site is not a pristine, quiet environment. Rather it is an existing, operating airport alongside a busy highway, which generates constant traffic noise. Those existing characteristics contribute far more to the ambient noise levels than the commercial air carrier service.
- Fourth, the project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Again, the project site is an existing, operating airport. The proposed project would add approximately one-fifth to the total number of annual operations. Some planes already operating at the Airport are louder than those that would be introduced under the proposed project. These conditions exist without the project. Thus, this criterion is also not satisfied.
- Finally, the project is not "within the vicinity of a private airstrip." The Mammoth Yosemite Airport is owned and operated by the Town of Mammoth Lakes. Thus, it is not a private airstrip. Accordingly, this criterion is not applicable here.

The comment ignores the fact that the Supplement is limited to impacts from changes in the project since the previously certified EIRs. The noise analysis in the Supplement is more than adequate when the appropriate scope of the document is recognized. In any case, the criteria for a significant noise impact in Appendix G of the CEQA Guidelines are not satisfied here.

The analysis in the Supplement follows standard noise analysis practices as well as CEQA Guidelines Appendix G. Please also see Response to Comment B-9.

Response to Comment I-25

Devils Postpile National Monument and Yosemite National Park are too far from the Airport to be directly impacted by the project. Exhibits II-6 and III-7 in the Supplement show the arrival and departure flight paths for air carrier operations from Runway 9-27 in relation to the Devils Postpile National Monument. The topography completely blocks the Devils Postpile from aircraft activity to the east. The closest that air carrier aircraft would come to the Devils Postpile National Monument would be approximately 12 miles. As described in Section 3.7.2 of the Supplement, there would be procedures in place, for aircraft operating under specified air traffic procedures, to ensure separation from the high terrain in the area around the Airport. Such procedures are common at high altitude

airport. In this case, these procedures would route aircraft to the east, away from Yosemite National Park, the Town of Mammoth Lakes and Devil's Postpile. Aircraft must stay on this easterly routing to ensure terrain clearance until the aircraft is above 16,000' MSL. Commercial flights already fly at high altitudes over these areas many times each day. Flights from the Mammoth Airport will be at sufficient enroute altitudes, along with other existing air carrier overflights, by the time they reach these areas, if they are routed by air traffic control towards these general areas, so as not to pose an additional noticeable impact.

Response to Comment I-26

The text under Section 3.3.2.2, "Habitat Loss", page III-37 in the Supplement, has been revised as follows in response to this comment.

Habitat Loss

The dry meadow east of the approach end of Runway 9-27 is suitable habitat for sage grouse winter use and summer foraging. (See Appendix I, Figure 2 of the Supplement.) It could not be determined during the Biological survey if sage grouse were using this area as a lek site. [*Biological Study for the Mammoth Lakes Airport Expansion Project*. September 2000.] A small portion of the dry meadow might be removed or disturbed by construction activities for the proposed project. This small area of the dry meadow would also be disturbed by construction of the proposed security fencing.

Although the dry meadow site could potentially be used as a lek, data on lek locations collected for more than 30 years by agency personnel (e.g., BLM, CDFG) and university researchers (e.g., Dr. Robert Gibson, University of Nebraska) indicates that the dry meadow has never been used as a lek. Therefore, the removal or disturbance of a small portion of the dry meadow habitat is not considered a significant impact.

For the proposed project, an eight-foot high security fence would be constructed around the airfield. Although sage grouse could fly over the fence to use the enclosed sagebrush scrub habitat, the fence could inhibit their use of this habitat. However, data from sage grouse at the Jackson Hole Airport indicates that the chain link fence is unlikely to inhibit grouse use of the habitat. During the summer, sage grouse at the Jackson Hole Airport regularly fly over the chain link fence that surrounds the airport to forage in the meadow habitat at the end of the runway. [Personal communication, Matt Holloran, University of Wyoming, January 9, 2002.]

Response to Comment I-27

The text under Section 3.3.2.2, "Fencing", page III-37 in the Supplement has been revised as follows to reflect this comment.

Fencing

Wire fences may adversely affect sage grouse. Sage grouse mortality from colliding into wire strand fences has been documented by BLM biologists. Sage grouse often fly low when moving short distances, and most likely collide into fences in the dark or at low light levels. Thirty-seven sage grouse mortalities were recorded along the

cattle fence located north of Lek 2 between April 1997 and February 1999 [Personal Communication with Terry Russi.] In the Bodie Hills, sage grouse abandoned a lek after construction of a five-strand wire fence adjacent to the lek site in 1995. Sage grouse returned to the lek in fewer numbers after the fence was relocated, but continued to use other areas as strutting grounds. [Personal Communication with Terry Russi.]

The eight-foot high security fence that would be constructed for the proposed project would create a barrier with greater visibility to sage grouse than the existing barbed wire fence. The new fence would likely reduce potential mortality to sage grouse from bird-fence collisions. Since 1998, no radio-collared sage grouse (there are 61 collared birds) have collided with the eight-foot high security fence that surrounds the Jackson Hole Airport, nor have any non-collared birds been found next to the fence [Personal communication, Matt Holloran, University of Wyoming, January 9, 2002.] It should be noted that four collared roosters have collided with overhead power lines, two of these collisions occurred near the Town of Jackson. As noted above, sage grouse regularly fly in and out of the fenced area that surrounds the Jackson Hole Airport.

Response to Comment I-28

CEQA does not require mitigation measures for impacts that are not found to be significant. (CEQA Guideline 15126.4(a)(3).) The Supplement concluded that potential impacts to the sage grouse from the changes in the project since the previously certified 1997 Subsequent EIR/EA would be less-than-significant. Thus, legally, the mitigation measure suggested by the comment is not required. Also, factually, since the Supplement concluded there would be no significant impact to the sage grouse, there is no reason to adopt such a mitigation measure.

Response to Comment I-29

Support for this conclusion that male sage grouse are not easily disturbed by aircraft noise while on the lek is based on phone conversations with the following two individuals: (1) Joe Bohne, Wyoming Department of Game and Fish, Jackson, Wyoming. (A 25-year employee of the Department and member of the Western Association Fish and Wildlife Agency Interstate Sage Grouse Working Group Conservation Team), and (2) Mr. Matt Holloran, (a PhD candidate, University of Wyoming, who, with his colleagues has been studying sage grouse seasonal habitat use and survival in Jackson Hole, Wyoming since 1998.)

Response to Comment I-30

Any growth-inducing impacts are unlikely to lead to habitat loss for the bald eagle because the overwhelming majority of land in the vicinity of the project and in the region is administered by two federal agencies, the Bureau of Land Management (BLM) and the United States Forest Service (USFS), and one municipal agency, the Los Angeles Department of Water and Power (LADWP). In order for any growth to occur, development would have to take place on lands now owned or managed by one of these agencies. This would require major changes to the policies of the subject agencies.

Response to Comment I-31

Based on FAA data collected over a ten-year period (FAA 2000), the likelihood of bald eagle-aircraft strikes is remote. Bald eagles represented only 23 of 27,433 bird strikes (0.2 percent) recorded in ten years in the whole country. Airports that are located where bald eagles are year-round residents, such as the Jackson Hole Airport, have never recorded any strikes, even though the eagles forage in the vicinity of the airport. [Personal communication, Doug Johnston, Director of Operations, Jackson Hole Airport, January 11, 2001.] The possibility of a strike cannot be ruled out, but is considered remote for the reasons listed on page III-55 of the Supplement. Therefore, the proposed project may affect, but is unlikely to adversely affect, the bald eagle. (See also, Appendices I "Biological Assessment of Mammoth Yosemite Airport Project" and Appendix J "Biological Opinion" of the Supplement.)

Response to Comment I-32

Based on the assessment of water quality impacts set forth in Response to Comment C-1, project activities would not impact the Owens tui chub. As outlined in the CEQA guidelines Section 15126.2 the discussion of growth inducing impacts relates primarily to a description of the way the project may affect economic and population growth. Environmental impacts from other projects are addressed under cumulative impacts. Please see Response to Comment A-2 regarding cumulative impacts. Please also see Response to Comment C-2 regarding impacts on Owens tui chub.

Response to Comment I-33

Please see Response to Comment I-32.

Response to Comment I-34

The environmental impacts of the changes to the proposed project with regards to air quality and aircraft noise have been analyzed in Section III of the Supplement. It was found that these changes would have no significant environmental impacts. (See Supplement at Sections 3.2 and 3.7.)

Response to Comment I-35

The impacts on Sierra Nevada Bighorn Sheep have been adequately addressed in the Supplement on page III-55 and III-56. The Airport is located over 12 miles from the nearest bighorn sheep habitat and the flight path is over three miles from the closest sheep habitat. No impacts to sheep from noise are expected, nor will the project cause habitat destruction. The USFS manages the backcountry (i.e., sheep habitat) to minimize habitat alteration and destruction and emphasizes a "leave no trace" ethic. Since there are no impacts, no cumulative analysis is necessary.

Response to Comment I-36

The comment starts from an incorrect assumption that the project would result in "greatly increased visitation." As demonstrated in the Supplement and throughout these responses, the project analyzed in the Supplement, changes in the project since the previously certified EIR, will not in themselves result in substantial additional visitation. Instead it will accommodate the restoration of lost visitor numbers and other development currently underway or anticipated in the General Plan. (See

Responses to Comments B-7 and B-12.) Because the project analyzed here will not result in the assumed increase in visitation, there is no basis for analyzing the speculative impacts suggested by the comment such as pressure on the USFS to increase backcountry quotas, unpermitted camping and backpacking, or impacts to the habitat of the Sierra bighorn. Nonetheless, potential impacts to the Sierra bighorn are analyzed at Section 3.3.1.3 of the Supplement, which states that no Sierra bighorn are known to reside within 12 miles of the project site.

The recently adopted Wilderness Management Plan for the Ansel Adams, John Muir, and Dinkey Lakes Wilderness Areas established quotas for the affected wildernesses. This plan is predicated on the Inyo National Forest Land and Resource Management Plan (LRMP). The population projections in the LRMP are consistent with the projections used by the Town of Mammoth Lakes in evaluating the impacts of the project. CEQA does not require speculation regarding changes to regulations unless those changes are reasonably foreseeable. Given the recent date of the adoption of the LRMP, changes are not reasonable foreseeable.

Response to Comment I-37

The effectiveness of the mitigation measure for deer migration will be assessed through a monitoring program and will include a mechanism to modify the fence design and location based on the results of the monitoring. The measure will be developed, approved, and implemented with federal, State, and local agency coordination and consultation. Please also see Response to Comment E-7.

Response to Comment I-38

As explained in Response to Comment I-31, most bird strikes occur at low altitudes during takeoffs and landings (FAA 2000). The mitigation measure to minimize raptor perching opportunities in the project vicinity will help to reduce the likelihood of birdstrikes. A lack of perch and nest sites already limits raptor use of the project area.

Disturbance to nesting raptors that causes the birds to abandon their nests and fail to reproduce could reduce recruitment to the area's population and would adversely affect a species population. The only potential nesting habitat for raptors in the project's vicinity, however, is for tree-nesting species, hence those are the species discussed in the document. A literature review indicates that the most significant effects to raptors appear to be at close distances (less than 500 feet above ground level) with almost no effect at 2,000 feet or more. Therefore, the project would not be expected to adversely affect nesting raptors.

As noted in the Supplement at Section 3.3.2.2, "Disturbance to Nesting Raptors," page III-51, raptors could forage in and near the project area. However, the Airport and its immediate surroundings do not contain key foraging habitat for any raptor species, and given the elevation the air carrier aircraft would be flying, the project is not likely to adversely affect foraging habitat for raptors. Text has been added to Section 3.3.2.2 of the Supplement as follows to address this comment further.

> Suitable nesting habitat for prairie falcons is protected cliff ledges. No suitable habitat for this species is present in or immediately adjacent to the project area. The nearest suitable habitat is located in Hot Creek, approximately two miles north of the Airport and in the Owen River Gorge, more than ten miles southeast of the Airport. Red-tailed hawks and golden eagles use similar nesting habitat, although they will

also nest on crags and in trees. Potential crag nesting habitat is located in the Owen River Gorge and in Hot Creek. Potential tree nesting habitat is located east on Doe Ridge, two miles west in the forest hills, and south of the project area along the Sierra escarpment. The proposed air carrier flight paths do not pass over these habitats, although the existing flight paths do pass over some of these locations. Therefore, the proposed project is unlikely to adversely affect nesting prairie falcons, red-tailed hawks, and golden eagles. These three species could potentially forage in and near the project area. However, the Airport and its immediate surroundings do not contain key foraging habitat for any raptor species, and given the elevation the air carrier aircraft would be flying, the project is not likely to adversely affect foraging habitat for raptors.

Response to Comment I-39

Refer to the Response to Comment I-28 regarding the need for mitigation measures. The project proponent has proposed to work with Caltrans should the undercrossing be constructed. However as referred to in the comment, there are no significant impacts to the mule deer therefore no mitigation measurers are required. Refer to the Response to Comment A-2 regarding cumulative impacts.

Response to Comment I-40

The statement from Kings County Farm Bureau v. City of Hanford quoted in the comment is preceded in the court's opinion by the following statement: "The significance of an activity depends upon the setting." (Kings County, 221 Cal.App.3d at 718 citing CEQA Guideline 15064 (b).) The court also states that "the EIR's analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project's impact." In simple terms, the Hanford EIR reasons the air is already bad, so even though emissions from the project will make it worse, the impact is insignificant." (Id.) This is not the case here. Instead, as demonstrated below, the Supplement recognizes the existing air quality in the area, and bases its conclusions on that as well as the specific "setting" of the proposed project. This setting has these significant components.

The project is located approximately seven miles downwind from the closest population center, the Town of Mammoth Lakes. As discussed in the air quality management plan for the Town of Mammoth Lakes, particulate emissions in the Mammoth Lakes region are predominantly caused by wood burning stoves and motor vehicle traffic. The introduction of commercial air service to Mammoth Lakes Yosemite Airport is expected to reduce particulate emissions in the region when compared to the no project alternative by reducing visitor vehicle miles traveled (VMT) as more people are accommodated in higher occupancy vehicles. (See Supplement at Table III-10.) Reduction/control of VMT in and around the Town of Mammoth Lakes is a stated goal in the State Implementation Plan (SIP).

As discussed in the Supplement at page III-25, the Great Basin Valleys Air Basin including Mono County is an ozone transport region. According to Great Basin Unified Air Pollution Control District (GBUAPCD) staff, all historic exceedence events in the Basin have been caused by pollutants coming in from the western cities like Los Angeles through the San Joaquin Valley. [Personal communication with Duane Ono at GBUAPCD.] As discussed in the report *Second Triennial Review of the Assessment of the Impacts of Transported Pollutants on Ozone Concentration in California* prepared by the California Air Resources Board, historical exceedence events/extreme

concentrations measured at the Mammoth Lakes air monitoring site occurred in July and August. Project related operational emissions of NOx and VOC are expected to be highest during winter months when visitor demand to the region is the highest. Project related emissions would not contribute cumulatively to exceedence events in summer. The report also states, "based on the time of day that the violations occurred, the characteristics of the violations, the predominantly westerly wind patterns, and the comparatively small emissions in the Great Basin Valley Air Basin (GBVAB), the staff considers these violations to be the result of overwhelming transport from the San Joaquin Valley". In light of these findings it is assumed that the proposed project will not contribute to new violations of the ambient air quality standard for Ozone precursors as the current violations are overwhelmingly the result of transport from the San Joaquin Valley by westerly winds. It is important to note that the Airport is located east of the Town of Mammoth Lakes and therefore Airport related emissions would not contribute to pollutant concentrations in the Town during a typical exceedence event. This conclusion is supported by discussions with the GBUAPCD staff. [Personal communication with Duane Uno at GBUAPCD.]

Even with the lack of a significant air quality impact, because the proposed project is located in a non-attainment area, approval of the proposed project is subject to an evaluation of the project's conformity with the air quality management plan for the Great Basin Unified Air District. In accordance with the General Conformity requirements, an air quality evaluation was performed for the proposed project. In this evaluation, total direct and indirect emissions associated with the project were compared to annual de minimis emissions levels as specified in 40 CFR 93.153. The results of this analysis indicated that no de minimis thresholds would be exceeded as a result of the project, nor would the project be considered regionally significant. Project-related emissions represent a very small fraction of basin-wide emissions of NOx and VOC and would not constitute a large percentage increase in emissions as stated in the comment.

In summation, the proposed project will have a beneficial impact to air quality in the region by reducing total vehicle miles traveled (in effect reducing the PM 10 emissions). Moreover, the project is at the downwind edge of the non-attainment area. Thus, any additional air pollution generated by the project will be dispersed away from populated areas and away from the non-attainment area. These are the key facts of the "setting," which relate directly to the potential impacts of the project on the environment, not just its contribution to the general air quality situation in the area.

For all these reasons, the Supplement's analysis of potential air quality impacts from the changes in the project since the previously-certified EIR complies with CEQA's requirements, including those set forth in the Kings County case.

Response to Comment I-41

The proposed project would result in a reduction in the projected number of vehicle miles traveled (VMT) in the region by providing an alternate mode of transport (air service) to and from the Town of Mammoth Lakes. The reduction in VMT that would result from the implementation of the proposed project would improve air quality in the Town and in the surrounding region. As discussed in Response to Comment I-40, the air quality management plan for the Town of Mammoth Lakes, indicates that the particulate emissions in the Mammoth Lakes region are predominantly caused by wood burning stoves and resuspended road dust. This is due to the fact that most homes and rental units in the vicinity of Mammoth Lakes have wood stoves or fireplaces. Temperature inversions during the winter season cause a buildup of wood smoke in the stagnant valley air. Particulate

emissions from resuspended road dust and cinders add significantly to the particulate emissions problem in the area. The proposed project supports a reduction in future VMT's and a corresponding reduction in the amount of resuspended road dust and cinders.

The effect of aircraft emissions on air quality in the Town of Mammoth Lakes would not be significant due to; (1) the distance between the Town and the Airport and, (2) prevailing westerly winds in the region, and (3) the mountainous geography in the Mammoth Lakes area. The Town is west of the Airport and aircraft emissions would be dispersed by the prevailing westerly winds (i.e. concentrations in the Town would be negligible).

Response to Comment I-42

Please see Responses to Comments B-7 and B-12. Further, the Supplement's conclusion that there would be little or no growth in the vicinity of the Airport that is attributable to the project "because various governmental bodies own most of the land" outside of the Town's jurisdiction is supported by the evidence as shown on Exhibit II-2 in the Supplement. It is reasonable for the Town to assume that these agencies will not permit private development on that land in the foreseeable future. Also, much of the public land in the area is subject to various federal land and resource management plans that are required by federal law to protect open space and natural resources, and which the Town of Mammoth cannot modify. Thus, the Supplement's reliance on existing planning and zoning documents to support its conclusion is well justified, but there is no conflict with the *Stanislaus Audubon Society* case cited by the commentor because there is other evidence in the record to support the Town's conclusion as well.

The *Stanislaus* court also viewed growth inducement as more of an economic, rather than political or planning phenomena. Here, the Airport project is serving the economic development of the Mammoth Lakes area that is driven by private investment in resort, hotel and recreational properties. The Airport itself is not an economic driver or an inducing agent of economic development. Instead, the Airport improvements would only provide an alternate arrival mode consistent with the long-term plans of the Town of Mammoth Lakes as established in the Town's adopted General Plan. That relationship has not changed since the 1997 Subsequent EIR/EA was certified.

Response to Comment I-43

Please see Responses to Comments B-7 and B-12. Further, while the comment asserts that the Supplement does not identify secondary impacts, the comment itself describes the Supplement's analysis of secondary impacts. Also, the recently certified Final Subsequent Program EIR for North Village 1999 Specific Plan Amendment analyzed the impacts of the full buildout of the Town and found that it did not have significant environmental impacts. This, combined with the lack of availability of additional land for private development as explained in Response to Comment I-30, demonstrates that there would be no significant growth inducing impacts due to the changes in the proposed project.

Response to Comment I-44

The designation of land for development of RV parking was first set forth in the 1986 Mammoth June Lake Airport Land Use Plan with an EIR certified by Mono County and re-evaluated in the 1997 Subsequent EIR/EA. The cumulative effects of this project and the development of the

adjoining projects were evaluated in those two documents. A final design for the park has not been submitted, however, the RV park is a conditional use and final project design and approval is subject to further discretionary and environmental review.

Response to Comment I-45

Please see Responses to Comments A-2 and B-11.

Response to Comment I-46

CEQA Guideline 15130(b)(1)(A) provides a lead agency with the option of providing a "list of past, present, and probable future projects" for its cumulative impacts analysis. If that list is provided, which it is in this case (Supplement at Page II-9, Exhibit II-4), then no definition of the geographic scope for cumulative impacts analysis is required, contrary to the comment. Nonetheless, the Supplement also defines the relevant geographic scope of the cumulative impacts analysis by Exhibit II-4, which contains a map of the area surrounding the project site and shows the location of projects initially considered as part of the cumulative impacts analysis and shows those projects in relation to the Airport project. Please also see Response to Comment B-11.

Response to Comment I-47

The Supplement's selection of alternatives is reasonable and complies with CEQA and the CEQA Guidelines. (*See* Supplement at pages IV-I, *et seq.*) The commentor is correct in reciting Guideline 15162.6(a), which generally requires an EIR to consider a range of alternatives that would reduce significant effects of the project. However, where there are no alternatives, except the no project alternative, that meet the project's objectives of providing commercial air service convenient to the Mammoth Lakes area and reduce significant impacts, CEQA case law permits an exception to the general rule. (*See Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704.) That is the situation here — the no project alternative is the only feasible alternative, besides the proposed project, that reduces potential impacts versus the proposed project. The no project alternative, however, does not meet the project's objectives, therefore it is appropriately rejected on that basis pursuant to CEQA Guideline 15126.6. As CEQA requires, the EIR analyzes other alternatives as well, but ultimately those are rejected because they are environmentally inferior, they fail to meet the project's objectives, or both. (*See* CEQA Guideline 15126.6.)

In fact, the Supplement contains an extensive alternatives analysis, which started with eight alternatives to the entire project, even though as a Supplement its analysis is potentially limited to changes in the project since the prior proposal. Four of the eight alternatives were eliminated because they failed to meet the detailed performance criteria for an FAA certified commercial airport set forth in Appendix E of the Supplement. Meeting these performance criteria is an obvious project objective, since a project that fails to meet these criteria will not serve the purpose for which it is proposed. The Supplement then analyzed the four remaining alternatives plus the no project alternative and an off-site alternative (expanding the Bishop Airport) for each of the potential impact areas in which the proposed changes in the project were analyzed.

From this analysis, the Supplement identified the environmentally superior alternative, which, in part due to the reduction in the runway extension required for the project since the 1997 Subsequent EIR/EA, is the proposed project. (See Section IV of the Supplement.) Thus, CEQA's purposes have

been fulfilled, albeit through selection of the original project, rather than selection of an alternative after the EIR has been prepared.

Response to Comment I-48

Please see Response to Comment I-47. Further, according to CEQA Guideline 15126.6(a), an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR need not consider every conceivable alternative to a project. In particular, an EIR is not required to consider alternatives that are infeasible. The factors that may be taken into account when determining the feasibility of alternatives includes whether the proponent can reasonably acquire, control or otherwise have access to the alternative site or the site is already owned by the proponent. Here, the project proponent, Town of Mammoth Lakes, does not own and cannot reasonably acquire, control or otherwise have access to the Bishop Airport. Instead, Inyo County owns the Bishop Airport. Thus, the potential expansion of the Bishop Airport does not offer a feasible alternative to the proposed project and as such it need not be evaluated further in the Supplement.

Response to Comment I-49

Please see Response to Comment B-4. Further, the commentor notes that the Supplement consists of more than 450 pages, including attachments. While this may be true, it only indicates that the Town has prepared a thorough and complete document. The CEQA Guidelines do not set page limits for supplemental or subsequent EIRs, nor do they distinguish one from the other by the number of pages. Also, in the case of a supplemental or subsequent EIR, CEQA Guideline 15088.5(c) permits the lead agency to recirculate only those chapters or portions of the EIR that have been modified.

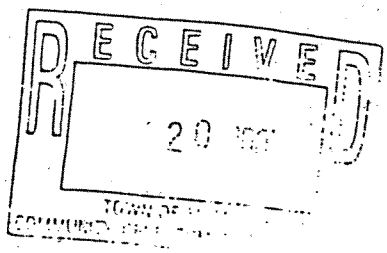
Response to Comment I-50

Please see Response to Comment B-5. The commentor overstates the level of recommendation in NEPA and CEQA that joint documents should be prepared where possible. Rather than "strongly" recommending such coordination, CEQA Guidelines section 15222 states only that a lead agency "should try" to prepare a combined document.

Response to Comment I-51

The Supplement complies with CEQA in all respects and fully and objectively analyzes all potential environmental impacts from the changes in the project since the proposal analyzed in the Subsequent EIR certified by the Town in 1997.

Pasadena Casting Club
P.O. Box 6
Pasadena, CA 91102
November 14, 2001



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

Re: Mammoth Yosemite
Airport Expansion

Town of Mammoth Lakes:

The Pasadena Casting Club is a 50+ year old organization located in Pasadena, CA and composed of people interested in fishing and conservation. Most of our approximately 300 members live in Southern California. As a result, a prime location for our fishing activities is the Eastern Sierra/Owens Valley north of Bishop, CA.

We are greatly concerned about the proposed Mammoth Yosemite Airport expansion development described in the Draft Supplement to Subsequent EIR (SSEIR), dated October 5, 2001. Although the Draft SSEIR is impressive in length, it does not address all of the significant negative environmental impacts of the proposed expansion, including the possible, and in fact likely, harm to the fisheries in Hot Creek, Convict Creek and the upper Owens River. In addition, the proposed airport expansion should be analyzed in connection with other development in the Mammoth Lakes area so that all of the cumulative negative impacts of such projects can be assessed together. J-1

The airport expansion SSEIR describes a storm water runoff collection system for certain portions of the airport. However, there is no collection or treatment proposed for storm water runoff from the greatly expanded runways. Not only will oil and rubber residue be washed off such runways, but during winter months Type II and IV Anti-icer and De-icer Fluids will most probably be used, be blown off during take-off and be left on the runway to be washed eventually into either Hot Creek or Convict Creek and downstream into the Owens River. The treatment plans for Type I De-icers will do nothing to reduce the toxic impacts of the longer- J-2

lasting Type II and Type IV anti-icers. To ignore the potential damage of such runway runoff, contaminated with oil and toxic chemicals, is a glaring deficiency in the project and the Draft SSEIR. J-3

Although the Draft SSEIR attempts to address concerns about the Owens Tui Chub and the Hot Creek Fish Hatchery, it does not address the impacts on the very important trout fisheries downstream of the hatchery in Hot Creek or in Convict Creek and the Owens River. The water flow studies included do not convincingly describe the storm water runoff flows from the greatly expanded runway surfaces. Since all water in the area eventually flows towards the Owens River, to assert that such runway storm water runoff, especially in heavy storms, will not migrate towards Hot Creek or Convict Creek is not believable. J-4

Hot Creek and the Owens River are world-famous destination trout streams. The need for, and the wisdom of, the proposed Mammoth Yosemite Airport expansion is highly questionable. To allow such an over-developed expansion to destroy the important fisheries in the area would be inexcusable. The Mammoth Yosemite Airport project should not be approved or funded until and unless it is proven that no negative environmental impacts, including those on the Hot Creek, Convict Creek and Owens River fisheries, will result from its construction or operation. J-5

In addition, since there is much other development underway or proposed for the Mammoth Lakes area, all cumulative impacts of such development, including the airport expansion, should be analyzed and considered together prior to approval of the Mammoth Yosemite Airport expansion. J-6

Thank you for your attention to our concerns. Please contact Bruce G. Whitmore (626-799-8683) if there are any questions about this letter.

Yours truly,

Eric Callow
President

Bruce G. Whitmore
Conservation Chairman

cc:

Elisha Novak
Federal Aviation Administration
831 Mitten Road
Burlingame, CA 94818-1301

Forest Supervisor
Inyo National Forest
873 N. Main Street
Bishop, Ca 93514

William Manning
Mammoth Yosemite Airport
Box 209
Mammoth Lakes, CA 93546

California Trout, Inc.
870 Market Street, #1185
San Francisco, CA 94102

J. Pasadena Casting Club

Response to Comment J-1

Please see Response to Comment I-32.

Response to Comment J-2

Please see Response to Comment A-2.

Response to Comment J-3

Please see Responses to Comments C-1 and C-7. Further stormwater runoff pollution will be prevented by the following methods:

- All deicing will occur in special controlled deicing area.
- Very few aircraft will require deicing since they will not operate into the Airport during a snowstorm or if one is forecast and will only be on the ground for one to three hours during the daytime. High visibility minimums during IFR conditions dictate no operations during snowstorm.
- When an aircraft is deiced, very little deicing fluid is left on any pavement outside the deicing area and they will infiltrate the gravel soils at the edge of the pavement and will soon lose toxicity.
- There will be no surface water discharge from the Airport.
- Deicing is a standard procedure at commercial airports throughout the country. Protocols for protection of the environment are well established.

Response to Comment J-4

Please see Response to Comment C-1.

Response to Comment J-5

Please see the Supplement at pages III-34, III-35, and III-54 for an analysis and conclusions demonstrating that the changes in the proposed project will not result in significant impacts to area fisheries or fish. Please also see Response to Comment C-2 on the same topic.

Response to Comment J-6

Please see Responses to Comments B-7, B-11, and B-12.

November 20, 2001

C/O Bill Taylor
Senior Planner
P.O. Box 1609
Mammoth Lakes, CA 93546

Dear Sir,

I am writing this letter in support bringing daily air service to the Mammoth Yosemite Airport. K-1

This community has needed air service for a long time. Service is vital to providing continued development for the community of Mammoth Lakes. In addition, is is imperative that daily air service be in place for our hospital to be able to bring medical specialists to our community to meet the needs of the populace. Without air service, people in our community must either drive to Reno or Los Angeles to receive any specialty medical services.

I have been a board member of the Southern Mono Health Care District for over 17 years and it is our hope on the board that with the advent of daily air service, we can finally bring medical specialists to our community so the people of our community will not have to leave our area to get the medical attention they so vitally need.

I strongly request you do what ever necessary to bring daily air service to the Mammoth Yosemite Airport.

Thank you for your attention to this matter.

Sincerely,

Phil Hamilton

AR 001677

Phil Hamilton
P.O. Box 133
Mammoth Lakes, CA 93546
760-934-7102

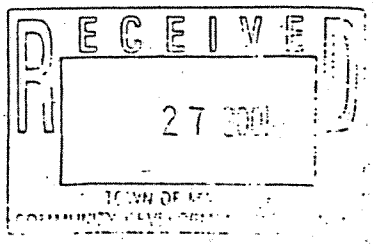
K. Phil Hamilton, Mammoth Lakes, California

Response to Comment K-1

The commentor expresses support for the project and the adequacy of the EIR. The Town acknowledges these comments and has made them part of the official record for the project.

WILLIAM J. ROBENS
40 Estambre Road Santa Fe, NM 87508
Ph: (505)466-6274 Fax: (505)466-6284 Email: billrobens@earthlink.net

November 19,2001



William T. Taylor
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546-1609

Subj: SSEIR for Mammoth Lakes Airport Expansion Project

Dear Sir:

Following are my comments on subject SSEIR.

I am limiting my comments only to my major objections. It is my expectation that other reviewers will cover the details that I do not submit here. It is my belief that the entire document needs to be rewritten as it falls far short of CEQA requirements.

General

To begin with, the SSEIR is a seriously flawed document. CEQA requires that a good faith effort be made to address environmental issues and to determine environmental significance. The subject document does not fulfill, even in the remotest sense, this obligation. It appears to have been written primarily and specifically to support the project, which is clearly in violation of CEQA.

The document is misleading, and I believe, because of the unremitting pattern, purposely so. It repeatedly understates the environmental damage caused by the project and repeatedly overstates the beneficial aspects of the project. It also repeatedly makes assumptions which lessen the impacts of the project. An example follows.

Reliance on 1986 EIR. The SSEIR repeatedly references and relies upon the 1986 EIR. As anyone who has ever worked with CEQA and EIR's knows, and as common sense will reveal, 15 year old EIR's are far too old to be reliable. In this case not only is the time period for reliance extreme, but the project itself was much smaller, and a different agency, the County of Mono, was the lead agency. The willingness to rely on the 1986 document indicates the lack of sincerity of the Town in preparing a competent, unbiased, and relevant EIR. L-1

Misleading statement on land disturbance. On page xii, the SSEIR states that "This development differs in certain respects from development plans analyzed in the past, principally because it calls for less land disturbance." It goes on to mention the 800' decrease in proposed runway length and the 50' increase in proposed width—seemingly this is the reason for less land disturbance. However, in spite of the decrease in length, a quick calculation of the new 8200' L-2

runway shows runway acreage going from 20.67 acres to 28.24 acres, a 7.60 *increase* in acreage, not a decrease. Furthermore, the taxiway increases in acreage by 3.80 acres. If, in fact, the grading plan calls for less land disturbance, and if that is somehow significant, then the total increase in concrete, the 7.60 plus 3.80 acres, should also be mentioned, because it assuredly is equally, if not more significant. This is just one of many examples of the dishonesty of the EIR. (Please note that the quoted statement does not say how much less land disturbance there is. Later in the SSEIR, is it stated that the land disturbance decreases from 44 to 37 acres, this 7 acres, which is not a large amount, is still considerably less than the total increase in pavement of 11.4 acres.) L-2

Impact of increased aviation demand on the airport facilities (as well as in some other areas of the EIR). The increase in aviation demand is substantial, but its impacts are generally ignored or understated throughout the SSEIR. For example, the forecast is for approximately double the number of aircraft operations, and for increasing the enplanements by 208,000 people, almost a three-fold increase. It is highly unlikely that the airport facilities outlined in the 1997 EIR will accommodate these increases without themselves being increased. In previous work with airport EIRs, I have seen a clear correlation between number of passengers and number of air operations, with facility size, parking lot size, number of employees, etc. This has not been addressed, and it needs to be addressed. L-3

Section I — Project Description

Table 1 indicates that taxiways will be widened from 50 feet to 75 feet, yet that fact is never mentioned in the several project descriptions in the text. This is misleading as it understates the amount of concrete to be added to the 1997 forecast. L-

On page I-1 the project is described in detail, except for the size of the updated version of the aviation demand forecast. The increase in the updated forecast is substantial and the consistent omission of these details (increase in air operations from 13,000 to 23, 650 and increase in enplanements from 125,000 to 333,000) is misleading in that one might conclude their omission means that the increase is not significant. In itself, this is not a big issue, but as part of an overall pattern of understating significant issues and impacts, it is meaningful. This data should be included in all the project descriptions, as was done for the change in the runway length and change in fence height. L-5

Page I-8 mentions the reduction of the projected runway length from 9000' to 8200', yet it calls the 8200' runway "the first stage runway length." It would seem to me that the SSEIR should be prepared for the 9000' runway, which is the ultimate projected runway length. L-6

Page I -12 discusses the delivery of fuel to the airport. The number of deliveries increases from 2 times a month to once or twice daily. The impact of this increase is never discussed. Possible impacts include construction of larger (much larger?) fuel tanks on-site and increased chances for accidents and fuel spills, plus a potential for increased road maintenance. This item needs to be addressed. L-7

Section II — Brief Overview of the Project's Environmental Setting

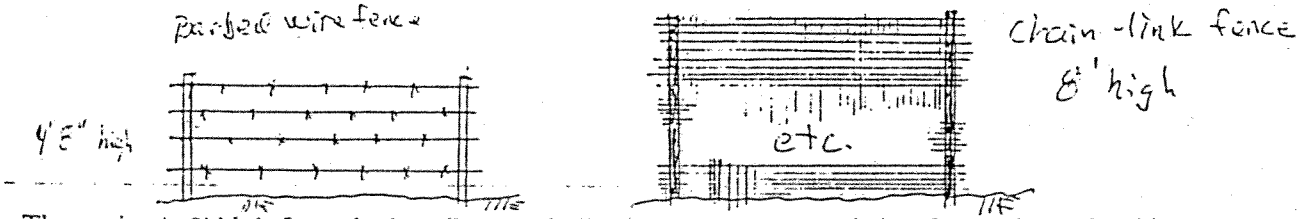
On page II-9 there is a list of other projects currently proposed in the region. Following the list is a statement that the Town decided that there are only two projects from this list that need to be considered part of the cumulative impact. That is an extremely narrow decision, and inadequate in addressing environmental impacts. The airport expansion, and the dramatic increase in air operations and enplanements is part and parcel of the overall growth program for the Town. A vast majority of these passengers will end up in town. At a minimum, both the Intrawest Development and the Sherwin Bowl Ski Area should be considered along with the Sierra Business Park for consideration in cumulative impacts. L-8

Section III — Environmental Impacts of Proposed Project

Pages III-2 and III-3. Regardless of the Town's previous determination on potential areas of impact, there are several areas not addressed, that should be addressed. These areas should be added to the list on III-2 and, where appropriate, removed from the list on III-3.

- Growth Inducing potential — the near tripling of enplanements from 125,000 to 333,000 requires the need to address this issue L-9
- Hazards and Hazardous Materials — my comments on the increase in fuel trucks applies
- Population and Housing — the near tripling of enplanements from 125,000 to 333,000 requires the need to address this issue L-10
- Recreation — the near tripling of enplanements from 125,000 to 333,000 requires the need to address this issue L-9

The miracle fence. Pages III-6, III-9, and III-37 apply. A 4'-8" barbed wire fence is to be replaced with an 8' high chain link fence. Since they are not otherwise described, I assume the barbed wire fence has 3 or 4 horizontal strands of barbed wire, approximately equidistant apart. This would be typical. I also assume the chain link fence has a pattern of horizontal and vertical wires, perhaps 2" to 4" apart; again this would be typical. They will look something like this:



The project's 8' high fence is described as similar in nature to the existing fence, through which, according to the SSEIR views are "unobstructed." As can be seen by the above drawings, while they may be similar in nature, they are very different in construction. The project fence is nearly twice the height of the existing fence, and has several times more wire over any extended unit length. It is, in fact a very different fence. The conclusion of "less than significant impact" on aesthetics and views on page III-8 may still be appropriate, but depending on the actual design of the chain link fence, may well also be questionable. More detail here, and an accurate drawing of each fence is needed. In the meantime, the bias of the author should be noted and the text revised to eliminate the bias. L-11

On page III-9, a miracle happens. This new fence, which offers "unobstructed" views when aesthetics and views were the issue, now "...will partially block the vision to the existing and relocated runway lights for all small angle views from the normal straight ahead vision of the driver..." While literally true, the impact of these "blocked" views is almost nil. The overwhelming view of the runway lights for the driver will be unblocked for the entire duration of the drive approaching and adjacent to the runway. To cite this minuscule area of "blocking" is absolutely absurd, and again shows the lengths to which the authors go to minimize all impacts. L-11

Potential effects to the sage grouse due to the fence. On page III-37, it states that sage grouse may be adversely affected by wire fences. The grouse have shown a proclivity for colliding with fences, and especially "...in the dark and at low light levels." Thirty-seven mortalities were recorded along a nearby cattle fence over a recent period of about 20 months. In regard to the sage grouse, this 8' fence, which previously offered unobstructed views "...would create a barrier with greater visibility to sage grouse than the existing barbed wire fence." Therefore, according to the SSEIR, "The new fence would likely reduce potential mortality to sage grouse from bird-fence collisions." It is likely that this conclusion is wrong. It is wrong for several reasons. L-12

- If the fence offers unobstructed views, as maintained in the section where unobstructed views fits the author's needs to minimize impacts, it offers unobstructed views to sage grouse as well. You simply cannot have it both ways.
- Sage grouse collisions most likely occur at low light levels and/or in the dark. The chances of seeing a see-through chain link fence diminish dramatically in these conditions.
- The chain link fence is 3'-4" higher than the existing fence, presenting therefore a considerably larger barrier, and one which it is more difficult to fly over to make last second adjustments (which is more than likely when the sage grouse will see the fence, if in fact, it sees it at all.)
- The chain link fence will be impossible to fly through, due to the closeness of its horizontal and vertical wires. The grouse will have a much better chance, however, of passing through the barbed wire fence.

For all the above reasons, it appears that the mortality to sage grouses will increase with the construction of the 8' high chain link fence. Given the high mortality rate already chronicled, this should be an item of Significant Impact.

Aircraft operations. Table 1 indicates that there are 34,000 existing aircraft operations in both the 1997 EIR and in this report. However, page III-18 shows 6000 annual operations. What is the truth? Since III-18 seems more reasonable, I will assume it for my next discussion. L-13

Bird strikes. The conclusion on III-50 is that no significant effects to local or migratory birds are expected due to bird strikes. However, the reasons given do not lead to that conclusion. First reason, "the small increase in flight operations" is false. The annual increase is 4-fold over present, and twice that projected formerly. The error apparently comes from the third para. on III-48 which states that there are 14 daily air operations in 2022. Incorrect. The number of daily air operations should be correctly stated as an average of 65 for 2022 (23,650 annual ops. divided by 365 days). The increase in air operations is significant, and the EIR should so reflect. Second is the "overall low bird densities at the proposed project site and project vicinity." Again false. No evidence is offered to support this assertion. It is apparently derived from a statement L-14

on III-48 that reads: "...the site is generally not considered to have high bird density for an airport in California." Where does this come from? "...generally not considered..." by whom? The authors? This statement is entirely reprehensible in an EIR. Furthermore, I believe it to be wrong. With Laurel Pond, Crowley Lake, and the nearby alkali ponds, it is a great place for birds and for bird watching, as I have done many times. Furthermore, nearby Mono Lake is the temporary home to more than a million migratory birds. Many gulls are frequently seen nearby.

The two reasons cited above provide much of the evidence for no significant impact. As seen, the reasons are not supportable and are therefore false. The conclusion of no significant impacts must be reconsidered.

L-14

Nesting Raptors. See the section beginning on page III-50. It reads like raptors never fly anywhere. Example. "Potential tree nesting habitat is located east on Doe Ridge, two miles west...Proposed carrier flight paths do not pass over these habitats...Therefore, the proposed project is unlikely to adversely affect....." Various raptors are then listed. The conclusion seems insupportable to me. This is a wonderful place to see circling hawks and eagles. The flight patterns of the nearby raptors should be indicated and the proximity of their flights to the flight paths should be examined. Findings of impacts should occur after this examination.

L-15

Page III-60, Cumulative Impacts. Re cumulative impacts, the idea is that multiple projects may individually have no significant impacts, but taken together, they may contribute to significant impacts. However, the SSEIR takes an opposite position, contrary to the intent of CEQA. In the 4th paragraph in section 3.3.4.2 is the sentence: "However, the EIR for the Sierra Business Park concluded that the project would not impact existing deer habitat and therefore, would not contribute to cumulative impacts." The question in regard to cumulative impacts that must be answered, but is not, is: How does the combined development of the Sierra Business Park and the Airport Expansion Project impact the deer? This question is not answered in the SSEIR.

L-16

Traffic and Transportation. This entire section minimizes traffic generation and impacts. The study says traffic generated by the project has no significant impacts. I strongly disagree.

- Level of Service. Contrary to the opinion rendered in the first paragraph on III-64, I believe mitigation must be considered at LOS C. It is especially true for this intersection, which has high speed traffic and can be slippery and difficult in the winter. Traffic problems start occurring at LOS C and get much bigger at LOS D.

L-17

- Page III-66, Table III-13. This table and all similar tables are absolutely useless, because the assumptions made by the traffic engineers (LSA Associates, Inc.) provide results that drastically understate the true traffic conditions in the future. They need to be redone with better projections.

L-18

The next references are from Appendix L, Traffic Impact Analysis.

Table B, Trip Generation Table, Appendix L, page 7. Most of my problems are on the data in this table. Let's look first at trip generation (the middle box).

The Airport. Trip generation due to air flights were provided by the airport staff, according to page 8. From a procedural standpoint this information should be supported, no such support is given. How was it derived? It certainly should have been checked by LSA, and apparently was not. There is no reason to accept it. The table says 898 daily trips should be expected due to flight operations, and 158 at peak hour. My analysis does not confirm this number. Using average data from the ITE Handbook, I derive 2475 ADT due to commercial flights, and 390 trips due to general aviation flights, for a total of 2865 trips. This is 1967 more trips than in the SSEIR. LSA projects 158 peak hour trips, I project 303, or nearly twice as many. *LSA made the assumption most advantageous to a low traffic projection.* L-19

Occupancy Reduction. The residential component of the mixed-use development, the hotel, and the campsites, were all reduced by 20%, since the typical winter occupancy rate is 80% (see note 4). That is not an unreasonable assumption, but it is not a good one, either. A better assumption would be to use the typical *weekend* winter occupancy rate. The study should have used the higher of the two rates, because what you should be looking for is a condition that has a good chance of reasonably frequent repetition, even if it is not "typical." *LSA made the assumption most advantageous to a low traffic projection.* L-20

Sierra Business Park. LSA used the data from the Sierra Business Park traffic study done by TSE Inc. My separate calculations agree very closely except for the 15% reduction applied due to "pass-by trips" and trips that no longer need to go into town. Table A in Appendix D refers. I don't agree with this reduction. There are basically 2 kinds of trips for developments, internal trips and external trips. Internal trips do not add to the vehicle trips generated by a development, external trips *do* add to the trips. The pass-by trips are external trips. They use Highway 395 then turn into and out of the Business Park. They use the intersection. Therefore, they count. Forty peak hour trips were subtracted from the total, and 262 daily traffic trips. These figures should be added back into the total. The final peak hour volume should be 269, and the final ADT should be 1749. *LSA made the assumption most advantageous to a low traffic projection.* L-

Table B, Trips Reductions. Appendix L, page 7. This is the lower of the three boxes in this table.

Service Station w/Convenience Market. I have no quarrel with the total trip generation as shown in the second box, 3907 ADT. The trip reduction table, however indicates that this number should be reduced by 90%, or 3516 trips. This is an incredible assertion. The culprit is "pass-by trips" (see note 5). The explanation is give in the first paragraph on p. 10: "...a pass-by trip is a through trip that is diverted into the project via a southbound left or northbound right turn and then reassigned to US-395 via another right or left turn back onto US-395." LSA subtracts these trips into and out of the project from the ADT and peak hour figures. This is a serious mistake. The goal of the study is to determine levels of service, and for that ADT and peak hour trips on the road system is required. If vehicles use a road to get to the market, which the pass-by trips do, they add to the trips on that road. They are not "trip-ends" but they are trips generated by the development that use the road system to get to and from the development. They simply must be counted. They turn at the intersections, they use the Fish Hatchery Road, they use the Airport Road. These 3500+ trips must be added L-22

back in. There may be some internal trips here that could be subtracted, maybe 5%, but no more. *LSA once again made the assumption most advantageous to a low traffic projection.*

Residential and Hotel Developments. LSA reduced the trip counts here due to shuttle service to be provided between the development and Mammoth and the ski area. They subtracted 60% of all trips for the residential units and 75% for the hotel rooms (notes 6 and 7). I believe these numbers are at the extreme high end of potential reductions. Mammoth Lakes, even with an above average shuttle system, is not a good shuttle town. Businesses are spread out, the airport is 15 minutes from town and the ski area an hour or more away. I don't know what the reduction should be, but 25 to 50% might be reasonable. In any case, *LSA again made the assumption most advantageous to a low traffic projection.* L-23

Restaurant. Two problems. First, the engineers subtracted 100%, or all trips to the restaurant. Again, this is absurd. They assumed 75% internal trips, and 25% external pass-by trips. The 75% internal trips is questionable and is probably high. The pass-by trips, here, as for the market, must be counted. Second, page II-11 indicates that the restaurant is to have 300 seats, not 100 seats as used for calculations by the traffic consultant. This will triple the trip generation. At a minimum, 362 pass-by trips must be added in. *Once again LSA made the assumption most advantageous to a low traffic projection.* L-24

Trip Addition. This is my addition, as LSA did not include additions in his report. The trip addition is for seasonal variation, in this case, for winter trips. The daily trips used in this study due to airline activity is the daily average based on a year's projected total. We know, however, that trips fluctuate by season. Mammoth Lakes has very low activity during the shoulder seasons, and much higher activity during the summer and winter. Airline flights will reflect this change in activity. The daily trips used for this study should be increased by, maybe, 50% for winter activity. Using my airport calculations, that would add 1238 ADT and 152 peak hour trips. By ignoring the weekend and winter increases over the averages, *LSA again made the assumption most advantageous to a low traffic projection.* L-25

Fish Hatchery Road, and airport road extension to the Benton Crossing Road. The traffic engineer shows no calculations for traffic on the roads leading into and within the Mixed Use Development. This data needs to be shown, along with pertinent intersection and turning data. It may well be that mitigation is required. For example, reconstruction to accommodate the traffic, widening at intersections, etc. L-26

(Note: I have completed my own trip generation study. A summary of that study is appended to this letter. I have sent it to people in Mammoth Lakes who have forwarded it to Caltrans for comment. My study shows over 3 times more ADT than the SSEIR study, and more than twice the peak hour traffic. I did not calculate levels of service. But it must be recalculated using data much more realistic than that used by LSA.)

The findings on page III-67 that "The proposed project would not cause a substantial increase in existing traffic..." is wrong. The finding that this traffic would not cause "...the level of service to deteriorate beyond standards established by Caltrans" is more than likely, incorrect. As is the finding of no adverse significant impact on transportation/traffic. L-27

Instead these are likely findings:

- Traffic increases are substantial.
- LOS may be significantly altered.
- Substantive street modifications may need to be made to make the project workable.
- A traffic signal may be indicated at the intersection of 395 with the Fish Hatchery Road.
- Mitigation may be required on the roads leading to the project.
- The extension to the Benton Crossing Road is probably indicated.

This is the end of the Traffic Study analysis.

Water and sewer demand. On page III-79, last full paragraph, it appears that water and sewer demands are derived from the 1997 report. Since the number of passengers and flight operations are much higher, the estimated demands for both water and sewage are low. New calculations are necessary, based on the new flight and enplanement figures. L-28

Wastewater facility What demand will the package wastewater facility handle? There is woeful little discussion anywhere in the EIR regarding the proposed package treatment plant. A whole lot more information is needed. What is its size? How is the effluent handled? Where will it be located? Page III-97. It would appear that the package waste treatment plant is designed for an average day. We know that there will be significant seasonal variations. Are they accommodated in the design? Or will spillage result, which could have significant impacts. L-29

Aquifer reliability is derived from a 1986 study. Too much time has passed to rely for water availability on a 15 year old study. This absolutely must be re-done. Page III-79. On page III-82, from where will the Sierra Business Park get its water? If from the same source as the airport, calculations for both should be done and compared against availability. Multiple non-significant impacts do not always add up to cumulative non-significant impacts. That is why this section exists. L-30

Public Service and Utilities, page III-95. The increase in air operations is significant and should also be included as a consideration, as it effects: police and fire protection, roadway maintenance, waste generation and disposal, and utility and water use. L-31

Section IV — Project Alternatives

Two things. First the alternative of an airport at Bishop is discounted. It is the most obvious alternative. It is not within the purview of the Town to remove the discussion of the most obvious alternative from this EIR. Common sense, and probably CEQA as well, require that obvious alternatives, where they exist, be explored. L-32

Second, a full range of alternative must be explored. No alternative which met the project objectives was considered which had environmental impacts less than the proposed project. CEQA requires a full range of alternatives, including one of more alternatives which have less L-33

environmental impact than the proposed project. Otherwise, the proposed project becomes automatically the project with least impacts and the obvious choice for approval.

Section V— Long Term Implications of Proposed Project

Growth Inducing Impacts, beginning V-2. The conclusion in the SSEIR is that the Airport will accommodate planned growth and will provide beneficial environmental effects by accommodating forecast growth in accordance with the Town's plans. In other words, the airport expansion accommodates, but does not induce growth, and that accommodation is consistent with existing plans, therefore it is beneficial

Two big problems.

The *purpose* of the airport expansion is to encourage growth. It is part and parcel of a Town policy to induce growth. Due to this expansion, 208,000 more passengers are projected, and it is highly likely that a majority of them will be *new* visitors (from Texas, Chicago, etc. as early as 2003). L-34

Furthermore, CEQA clearly requires that environmental impacts be considered against present conditions. Throughout Section 5.3 the impacts are compared to a future envisioned condition (see the first paragraph under this heading). This is absolutely inappropriate.

The proposed airport expansion is growth inducing and the SSEIR must be changed to so reflect.

Page V-5, Transportation Facilities. "Because the project will not induce growth in the region beyond that already expected..." is the first sentence. As seen in the above section, this is not true. L-35

In fact, the entire sentence is incorrect. My traffic study indicates a dramatic increase in traffic between the Town and the airport. Even without my study, there is good reason to believe that traffic, due to growth, will *increase*, between Southern California and Mammoth Lakes, further burdening the highway system—a system, I might add that in some places, such as between Kramer's Junction and Adelanto—is inadequate for present traffic volumes. I believe it is fair to say that it is the Town's growth policy to induce new trips from Southern California to Mammoth Lakes, and it is fair to say that only a small portion of that added inducement will be by air craft. Which means they will travel by road. If the author's of the SSEIR have evidence it should be presented.

William J. Rothwell

WJR
11/19/01 11/19/01

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TABLE 1 — Revised Traffic Projections

	ADT				PEAK HOUR			
	Gen'd	Decr	Incr	Tot	Gen'd	Decr	Incr	Tot
Airport								
Commercial	2475		1238	3713	273		137	410
Gen'l Aviation	390		195	585	30		15	45
Total				4298				455
Mixed-Use Development								
Ser Sta w/Mkt	3907	391		3516	321	32		289
High Dens Resid	1504	526		978	141	49		92
Hotel	651	326		325	56	28		28
RV Park	400			400	40			40
Restaurant	1449	1087		362	126	96		30
Total				5581				479
Sierra Business Park				1487				229

Increases: airport trips from ITE Handbookadded with 50% increase due to account for winter variation
Decreases: 10% reduction to service sta w/market due to internal trips
35% reduction for high density residential for shuttle trips
50% reduction for hotel trips for shuttle trips
75% reduction to restaurant due to internal trips
No occupancy reduction taken, assume 100% occupancy for weekend conditions

Grand Totals	11366	1163

Table 2 below compares my traffic projections with those of LSA.

TABLE 2

	Robens		LSA	
	ADT	Pk Hr	ADT	Pk Hr
Airport	4298	455	898	158
Mixed Use Dev't				
Serv Sta w/Mkt	3516	289	391	32
High Dens Resid	978	92	481	45
Hotel	325	28	110	9
RV Park	400	40	320	31
Restaurant	362	30	0	0
Sierra Business Park	1487	229	1004	187
Totals	11,366	1163	3688	504

L. William J. Robens, Santa Fe, New Mexico

Response to Comment L-1

The 1997 Subsequent EIR/EA and the current document analyze changes in the project since the 1978 and 1986 EIRs were prepared, including differences in the size and/or scope of the project. Reliance on the earlier EIRs is, therefore, appropriate because the background and earlier analysis of the unmodified portions of the project is still valid. As described in the Supplement, the surrounding circumstances have not changed sufficiently to warrant preparation of an entire new EIR. The Supplement refers to the 1986 EIR/EA but doesn't rely on it for analyses for environmental categories where circumstances have changed. The 1997 Subsequent EIR/EA and/or the Supplement provide new or updated analyses as necessary. The change in lead agency from Mono County to the Town of Mammoth Lakes also does not require preparation of an entire new EIR because it is not relevant to physical changes in the environment, and the record of the prior analysis has been transmitted to the Town for the Town's use in preparing the current document and has been made part of the record of this proceeding. Please also refer to pages iv through ix of the Supplement, which explain the relationship of the previously certified EIRs and the current Supplement, including identification of specific issues which are under review in the Supplement.

Response to Comment L-2

Please see Response to Comment I-5.

Response to Comment L-3

The Airport terminal facilities will be designed to handle the forecast passengers and aircraft operations. These facilities have already been certified in the 1978 EIR/EA, and 1997 Subsequent EIR/EA. None of the changes to the proposed project affects these facilities. As explained in Response to Comment I-9, the forecast in the 1997 Subsequent EIR/EA was for a different end year 2015, but it does not mean that the facilities certified under that project would not be sufficient for the forecasted passengers in the Supplement with the end year as 2022 because the increase number or aircraft operations and enplanements would occur at intervals set by airlines scheduling practices. The difference in daily enplanements for the project years is not sufficient to need a new facilities design.

Response to Comment L-4

The widening of the taxiway from 50 feet to 75 feet has been described as part of project throughout the Supplement (See Supplement at Page i) and has been included in the potential environmental impacts analyzed including land disturbance, water quality, and air quality (construction emissions).

Response to Comment L-5

The updated enplanement forecast numbers were included in the analysis of the environmental effects. (Table 2, Page ix of the Supplement.)

Response to Comment L-6

The 9,000-foot runway was analyzed as an alternative to the proposed project in Section IV of the Supplement. Please also see Response to Comment I-8.

Response to Comment L-7

Please see Response to Comment I-13.

Response to Comment L-8

Please see Responses to Comments B-7, B-11, and B-12.

Response to Comment L-9

Please see Response to Comment B-12.

Response to Comment L-10

Please see Response to Comment I-13.

Response to Comment L-11

The thresholds of significance are different for impacts to aesthetics and impacts to wildlife. The coloration, height and location of the fence are such that it will not have a substantial adverse effect on a scenic vista or otherwise substantially impact public views. (See Supplement at Section 3.1.) The concern expressed by the commentor about sage grouse collisions with the fence is unfounded. A barbed wire fence (existing fence at the Airport) is hazardous to the grouse in part because of the difficulty of seeing the strands. A chain link fence (part of the proposed improvements) is more visible than the existing fence and, hence, less of a hazard to the grouse. There is no conflict between the increased visibility of the fence when compared with the existing barbed wire and a determination of no significant adverse visual impact.

Response to Comment L-12

Please see Responses to Comments I-26 and I-27.

Response to Comment L-13

The correct number of existing annual aircraft operations is 6,000. Table I is corrected in the Final Supplement.

Response to Comment L-14

The potential for bird strikes is variable. It is based on an airport's proximity to habitats such as wetlands and wildlife refuges and to land uses, such as waste-disposal facilities that can attract wildlife (FAA 2000). The comparison to other California airports is useful for analyzing bird strike

data. For example, Beale Air Force Base is located in a heavily used portion of the Pacific Flyway, and the City of South Lake Tahoe's airport is sited in a complex, meadow riparian system. As the Supplement states in the first paragraph on page III-48, the proposed project is located in sagebrush scrub habitat. Compared to riparian, wetland, and woodland habitats, sagebrush scrub habitat does not support a high density or diversity of bird species. Please also see Response to Comment I-38.

The majority of bird strikes (70 percent) between birds and aircraft occurred below 1,000 feet above ground level, while the aircraft was on the ground or during takeoff and landing. (FAA 2000.) Features that attract and concentrate birds, such as Mono Lake, Crowley Lake, and the alkali ponds, are not below 1,000 feet of either departing or arriving aircraft. These water bodies are also situated at a considerable distance from the Airport (Mono Lake is greater than 21 miles; Crowley Lake is greater than four miles; alkali ponds are greater than three miles). Furthermore, the birds that use these habitats (e.g., waterfowl) would not be expected to occur in the vicinity of the Airport because suitable habitat is not present. The reasons cited in the last paragraph of Section 3.3.2.2 of the Supplement, "Bird Strikes", page III-50, and the reasons cited above, all demonstrate that the proposed project will not result in a significant effect to local and migratory bird populations. Please also see Responses to Comments I-29, I-31, and I-38 regarding potential impacts to avian species.

Response to Comment L-15

Please see Response to Comment I-38.

Response to Comment L-16

Please see Responses to Comments A-2 and B-11.

Response to Comment L-17

The traffic impact analysis follows the Caltrans Guide for the Preparation of Traffic Impact Studies dated October 4, 2000. The preparers of that analysis consulted with Caltrans on August 28, 2001, during preparation of the analysis to review the specific assumptions, methodology, and variations to trip generation parameters used in the analysis. Caltrans concurred with the methodologies proposed at that time.

The Town of Mammoth Lakes and Caltrans have identified Level of Service (LOS) D as the upper level of acceptable conditions for the intersections on U.S. Highway 395, on Route 203, and within the Town of Mammoth Lakes, even in winter seasons. LOS D is a common and conservative threshold for intersection design and mitigation requirements. Therefore, no mitigation measures are required for intersections at LOS C, contrary to the commentor's suggestion.

Response to Comment L-18

Current traffic volumes and annual growth projections for U.S. Highway 395 were provided by Caltrans. All these numbers were included in the intersection analyses. These projections are commonly accepted and used in all types of traffic analyses. The assumptions leading to the results in Table III-13 (See Supplement at Page III-66) are fully disclosed in the traffic report. These assumptions are specifically oriented toward the project, especially those related to the Hot Creek

Resort. These uses are clearly highway oriented and/or are focused toward the winter recreational uses in Mammoth Lakes.

Highway oriented means that a trip to the service station comes from traffic already on U.S. Highway 395, not a new trip. The vehicle turns off U.S. Highway 395 into the service station and then resumes the original trip and direction. The traffic study accounts for the turn off of and on to U.S Highway 395 but does not add a new through trip to U.S. Highway 395.

Hotel and seasonal residential trips from the Hot Creek development focused toward the winter recreational uses in Mammoth Lakes will have the alternative of using shuttle vans leading directly to recreational portals and/or attractions in Town, which in turn are served by a transit system. Since these lodging uses are located at the Airport, a majority of visitors are projected to arrive by aircraft and therefore be primarily dependent on the shuttle van system.

Please also see Response to Comment I-17.

Response to Comment L-19

The comment correctly notes that trip generation for the Airport was provided by Ricondo & Associates (Appendix C to Traffic Report in the Supplement). Due to the specialized nature of this Airport and its relationship to the Town of Mammoth Lakes and resort characteristics, it is appropriate to use the trip generation information provided by Ricondo rather than data from the Institute of Transportation Engineers (ITE) Handbook, because Ricondo's data is based upon comparable airports. ITE data would reflect an average of small airports across the County, not necessarily resort oriented, which in this case peaks during a particular winter ski season.

Response to Comment L-20

The 80 percent occupancy rate for hotels is used to reflect a typical winter weekend condition, and closely corresponds to Caltrans' policy of designing for the 30th highest hour of the year. This methodology for assessing impacts has been accepted by Caltrans and the Town of Mammoth Lakes on numerous previous traffic impact analyses. It should be noted that this overall analysis is actually conservative because it assumes a combination of the highest weekday peak hour traffic (from the industrial park), coupled with the highest projected weekend traffic from the Airport and adjacent development.

Response to Comment L-21

"Pass-by trips" are well documented in trip generation characteristics (ITE Trip Generation Handbook, October 1998); however, as the comment notes, they were not properly accounted for in the Sierra Business Park traffic study. The pass-by, or intercepted, trips should be accounted for in the turn movements at the intersection. For example, an existing trip now going from Bishop to Mammoth Lakes for employment and returning is intercepted to a new job in Sierra Business Park and would not add any new traffic to U.S. Highway 395. This trip would change a northbound through movement in the morning to a northbound left turn at the Hot Creek Fish Hatchery intersection. The reverse occurs in the evening.

To correctly account for the pass-by (intercepted) trips, the traffic analysis increased the peak hour volumes entering and exiting the Sierra Business Park to 269, as the comment notes. The additional trips do not change the basic conclusions regarding significant impacts or mitigation recommendations.

In summary, mitigation is still only required in the long range (year 2020) and only where all three projects (Airport, Sierra Business Park, and Airport Development Plan) are fully developed. However, both measures, the intersection restriping and Benton Crossing connection, would be required as compared to one or the other in the original analysis. The appropriate sections of the Supplement have been modified to reflect this change. A revised Level of Service table for years 2000 and 2020 is attached as **Exhibit N-10** and **N-11** respectively.

Response to Comment L-22

The pass-by trips for the service station and convenience store are not eliminated from the intersections as the commentor suggests. Again, for example, an existing northbound vehicle already on U.S. Highway 395 is diverted and now turns in to the service station, gets fuel, and returns to northbound U.S. Highway 395. The same pattern is assumed for the convenience store. This is an isolated service station and convenience store that is not attractive for single purpose trips (i.e., to obtain fuel only), returning in the opposite direction after getting fuel. No new traffic has been added to U.S. Highway 395 and the right turn into and out of the service station has been included in the analysis. **Exhibit N-12** graphically illustrates the pass-by trip concept. As illustrated on the exhbit, the trips prior to development are subtracted, while the trips after development are added back in.

Response to Comment L-23

The assignment of trips from the residential and hotel developments reflects the commitment of shuttle service by the project and the expanding community transit service planned by the Town. The modal split of residential and hotel users is "reasonable" based on evidence from other comparable airports at other ski resorts. Please also see Response to Comment I-12.

Response to Comment L-24

The traffic study did not subtract 100 percent of the trips to the restaurant. Instead, it concluded that 25 percent would be pass-by trips. The restaurant pass-by trips have been accounted for in the intersection turn movements as previously noted in Responses to Comments L-21 and L-22. The assumption of 75 percent of the trips coming from the hotel, residential, service station, campground, or Airport is based on professional judgment of the traffic analyst given the isolated character and location of the restaurant.

Response to Comment L-25

The traffic impact analysis is based on a typical winter weekend p.m. peak hour condition (Appendix L, page 8 of the Supplement). Please also see Response to Comment I-18.

Response to Comment L-26

The intersection of Fish Hatchery Road with Airport Road was analyzed in a traffic impact analysis for the Airport Development Plan. [LSA Associates, Inc., April 2, 2001.] That analysis concluded that there would be a Level of Service of not less than B for all future cumulative conditions (including the Airport) without additional improvements. This also included existing Fish Hatchery Road traffic.

The potential future intersection of Benton Crossing with Airport Road was not analyzed because the volumes projected do not conflict with one another, i.e., left turns inbound and right turns outbound. (See Supplement at Exhibit III-11.) This potential intersection would not result in Airport traffic crossing a traffic stream to access the Airport.

Response to Comment L-27

Caltrans (Mr. Jerry Gabriel and Mr. Tom Meyers) reviewed this traffic study on August 28, 2001, and all the assumptions contained therein. They stated at that time that the study methodology and assumptions were acceptable to Caltrans. A copy of the transmittal form sending the revised traffic study incorporating Caltrans requested additions/changes dated September 4, 2001, is attached as Attachment E to the Responses to Comments.

Response to Comment L-28

There will be increased water and sewer demand if number of passengers and employees increases. The demand is approximately five gallons/day/passenger, within the capacities of the water system and sewage treatment plant. All the sewage facilities would be designed to handle the additional demand. As explained in Response to Comment C-1, there would be no impact on water supply and water quality due to additional water demand.

Response to Comment L-29

Please see Response to Comment C-1.

Response to Comment L-30

Please see Response to Comment C-1.

Response to Comment L-31

The increase in aircraft operations at Mammoth Yosemite Airport due to the proposed project is not substantial. The projected number of flight operations is actually reduced from that projected in the 1997 Subsequent EIR/EA. That document contained an estimate of 34,430 annual operations in 2015. More than the current estimate of 23,650 total annual operations in 2022. As discussed in Section 3.8 of the Supplement, the demand for police and fire protection, roadway maintenance and other utilities has been evaluated under the previous environmental documents. (See 1986 EIR/EA and 1997 Subsequent EIR/EA.) Potential impacts from the current project on water use are analyzed

Scenario	US-395/Hot Creek Road[1]					
	Intersection Delay/LOS			B/SB Queue Length		B/WB Queue Lengt
	ax Delay	Approach	LOS	ax Queu	ovement	ax Queu ovement
WITH EXISTING CIRCULATION SYSTEM						
Existing Year 1999/2000 Conditions[4]	10.8 sec.	westboun	B	0.04 veh.	SB-L	0.09 veh. WB-LTR
Existing + Airport	10.9 sec.	westboun	B	0.29 veh.	SB-L	0.49 veh. WB-LTR
Existing + Airport + Hot Creek Resort	18.5 sec.	westboun	C	0.65 veh.	SB-L	3.29 veh. WB-LTR
Existing + Sierra Business Park	14.6 sec.	eastbound	B	0.04 veh.	SB-L	1.70 veh. EB-LTR
Existing + Airport + Hot Creek Resort + Sierra Busi	32.3 sec.	eastbound	D	0.65 veh.	SB-L	4.59 veh. EB-LTR
WITH CONNECTION TO BENTON CROSSING[5]						
Existing + Airport + Hot Creek Resort	11.6 sec.	westboun	B	0.57 veh.	SB-L	1.20 veh. WB-LTR
Existing + Airport + Hot Creek Resort + Sierra Busi	29.9 sec.	eastbound	D	0.57 veh.	SB-L	4.22 veh. EB-LTR

Notes:

[1] Due to the current intersection configuration, the northbound and southbound approaches on US-395 are separate intersections. However, HCS 2000 software allows for analysis of single intersection with a "two-stage" gap acceptance with 3 vehicles stored

[2] Intersections are analyzed through the Highway Capacity Manual (HCM) 2000 Operations Analysis.

Delay is expressed in seconds of average delay per vehicle. LOS = Level of Service. Vehicle queues are expressed in numbers o

[3] SB-L movement consists of vehicles travelling south on US-395 turning left at Hot Creek Road destined to Airport, Hot Creek R

EB- and WB-LTR movements consists of vehicles on Hot Creek Fish Hatchery Road destined towards its intersection with US-3

[4] Existing conditions are based on Caltrans 1999 counts on mainline segments, and manual p.m. peak hour counts on Hot Creek Fish Hatchery Road conducted in November, 2000.

[5] A roadway connection to Benton Crossing may be provided with the Hot Creek Aviation and Airport projects.

Source: LSA Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-10

not to scale

Existing and Existing Plus Project Intersection Level of Service Analysis

Scenario	US-395/Hot Creek Road[1]					
	Intersection Delay/LOS			EB/SB Queue Length		WB/WB Queue Length
	ax Delay	Approach	LOS	ax Queu	ovement	ax Queu ovement
WITH EXISTING CIRCULATION SYSTEM						
Year 2020 Baseline Conditions[4]	11.6 sec.	westboun	B	0.04 veh.	SB-L	0.10 veh. WB-LTR
2020 + Airport	11.6 sec.	westboun	B	0.33 veh.	SB-L	0.54 veh. WB-LTR
2020 + Airport + Hot Creek Resort	22.2 sec.	westboun	C	0.74 veh.	SB-L	4.13 veh. WB-LTR
2020 + Sierra Business Park	16.4 sec.	eastbound	C	0.05 veh.	NB-L	2.00 veh. EB-LTR
2020 + Hot Creek Resort + Airport + Sierra Busines	*>50 sec.*	*eastbound*	*F*	0.74 veh.	SB-L	7.09 veh. EB-LTR
- with Mitigation	*37.8 sec.*	*eastbound*	*E*	0.74 veh.	SB-L	5.07 veh. EB-L
WITH CONNECTION TO BENTON CROSSING[5]						
2020 + Airport + Hot Creek Resort	12.5 sec.	westboun	B	0.65 veh.	SB-L	1.36 veh. WB-LTR
2020 + Airport + Hot Creek Resort + Sierra Busines	*45.3 sec.*	*eastbound*	*E*	0.64 veh.	SB-L	6.18 veh. EB-LTR
- with Mitigation	*35.6 sec.*	*eastbound*	*D*	0.64 veh.	SB-L	4.47 veh. EB-L

Notes:

[1] Due to the current intersection configuration, the northbound and southbound approaches on US-395 are separate intersections. However, HCS 2000 software allows for analysis of single intersection with a "two-stage" gap acceptance with 3 vehicles stored

[2] Intersections are analyzed through the Highway Capacity Manual (HCM) 2000 Operations Analysis.
Delay is expressed in seconds of average delay per vehicle. LOS = Level of Service. Vehicle queues are expressed in numbers o

[3] SB-L movement consists of vehicles travelling south on US-395 turning left at Hot Creek Road destined to Airport, Hot Creek R
EB- and WB-LTR movements consists of vehicles on Hot Creek Fish Hatchery Road destined towards its intersection with US-3

[4] Per Caltrans, District 9, a 1.0% per year growth rate compounded annually was used to determine the 2020 baseline volumes on US-395. This rate constitutes a growth of 22.0% from 2000 to 2020.

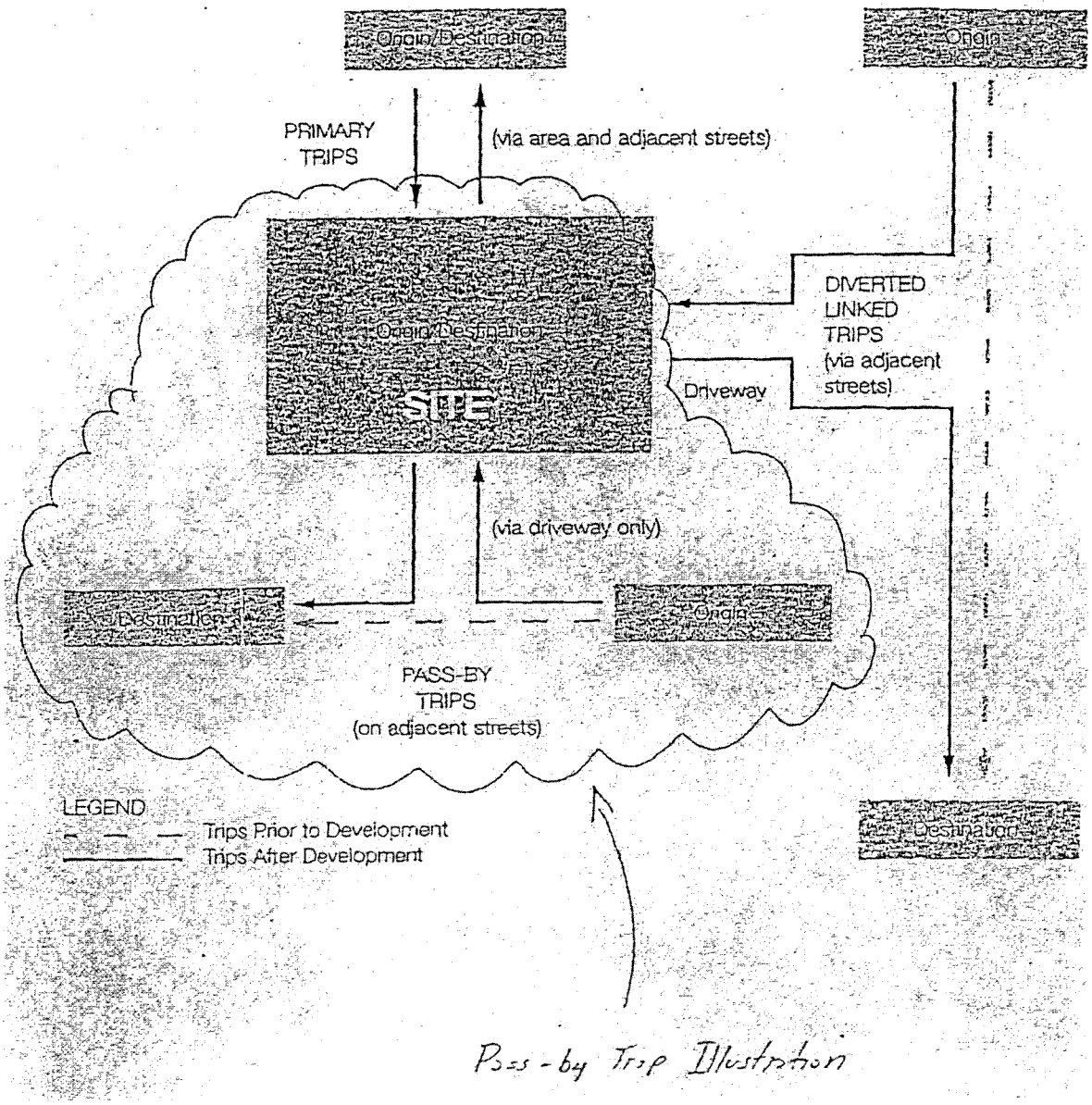
[5] A roadway connection to Benton Crossing may be provided with the Hot Creek Aviation and Airport projects.

Source: LSA Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-11

not to scale

Year 2020 Baseline and Year 2020 Plus Project Intersection Level of Service Analysis



Source: LSA Associates, Inc.
Prepared by: Ricondo & Associates, Inc.

Exhibit N-12

not to scale

Types of Trips
Pass-by Trip Illustration

in the Section 3.6 of the Supplement and found to be less-than-significant. Regarding fire protection, the Airport currently has one Airport Rescue and Fire Fighting (ARFF) Vehicle. The Town of Mammoth Lakes would purchase another ARFF vehicle to support air carrier operations. The Town of Mammoth Lakes may choose to contract with the Long Valley Fire Department for supplemental Crash Fire and Rescue (CFR) services or it may choose to hire locally.

The Town of Mammoth Lakes would develop an emergency response plan to address both the proposed actions and commercial developments currently taking place on Airport property. This plan would meet not only the CFR needs of the Airport but would also the fire protection needs of the hotel-condominium complex, aircraft hangars and retail areas of the commercial development. A facility to house fire apparatus appropriate for these services would be identified. The Town of Mammoth Lakes, in conjunction with area emergency service providers would develop a unified emergency response/disaster plan. The capital improvement plan for the Airport also includes the acquisition of an additional ARFF vehicle to meet FAA Part 139 certification requirements for air carrier operations. The Town would fund the emergency response equipment and training.

Response to Comment L-32

Please see Response to Comment I-48.

Response to Comment L-33

Please see Response to Comment I-47.

Response to Comment L-34

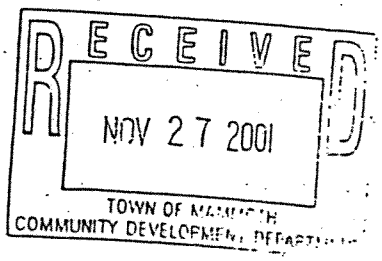
Please see Responses to Comments B-7 and B-12. Further, the comment is incorrect in stating that the Supplement is inadequate because it refers to a future envisioned condition when analyzing growth-inducing impacts. By definition, any analysis of growth-inducing impacts must look at future conditions. Section 5.3 of the Supplement appropriately does that, and in doing so compares that against the current condition in which none of that growth has occurred.

Response to Comment L-35

Please see Response to Comment B-12. Further, the Supplement does not conclude that regional traffic, *e.g.*, traffic on U.S. Highway 395 between the Los Angeles area and Mammoth Lakes, will decrease as a result of the project. Instead, it states that "the project has the potential to decrease the rate of trip growth on the regional roadway system." (See Supplement at Page V-5.) The entire regional roadway system is well beyond the appropriate scope of analysis for this document. Nonetheless, this assumption is consistent with the fact that the Town of Mammoth Lakes appears to be poised to grow regardless of the project and that the project will allow increased numbers of travelers, who would have otherwise driven from Los Angeles or Reno (possibly after flying there from elsewhere) to now fly directly to Mammoth Lakes via regularly scheduled commercial air carrier service. This would slow the rate of traffic growth on U.S. Highway 395, if not reduce traffic, especially between Los Angeles and the Mammoth Lakes area. Caltrans already projects that traffic on U.S. Highway 395 will consistently increase over the foreseeable future. Slowing that rate of traffic increase is a significant benefit.

638 Cottonwood Dr.
Bishop, CA 93514

11/26/01



Bill Manning
Airport Manager,
Town of Mammoth Lakes
Re: Mammoth Airport SSEIR Comments

Dear Mr. Manning:

I find the Draft Supplemental to the Subsequent Environmental Impact Report for the Town's airport expansion to be inadequate in the following ways:

First, the document does not adequately develop a need for the project. Certainly improved air service will help the Town, but it does not follow that the Project Objective—requiring runway capacity for a specific type of aircraft—is necessary to bring improved service. The document incorrectly dismisses the alternative of building shuttle service from regional hubs like Las Vegas, Los Angeles, Oakland and Reno. This would be the logical step for Mammoth if demand were waiting now, as this could be accomplished with the current runway. In fact, Rusty Gregory, CEO of Mammoth Mountain, said in comments for the original DEA for this project—that the existing runway could serve quite well. Also, the direct flights from Dallas and Chicago that this project aims for depend on an agreement with American Airlines. The document makes no mention as to whether this agreement is still in place, and since its stated time limit is past, and since the disasters of September and November there is substantial doubt about its viability.

M-1

M-2

Second, the alternative of using Bishop is still not adequately considered. The document states that approaches to the Bishop airport would bring noise to Bishop on the W-E runway, but most of the time planes will use the S-N runway and this approach will be some distance from the town. More importantly, the document does not address the tremendously more favorable weather conditions in Bishop. The document makes no estimates as to how many days the weather will allow large jets to land at Mammoth, even though there is significant doubt that planes can land even 50% of the time during the peak Jan.-March ski season. The document falsely states that Bishop would create more of a problem during foul weather because the drive up US 395 would be difficult in bad weather, but certainly driving during a storm would be better than trying to land a plane at Mammoth. The letter from your office to the FAA in Appendix D in fact supports this, for you say, "The improvements at the Bishop airport would benefit the entire region. If the

M-3

Bishop airport were i proved to FAR Part 139 Sta ards, the airport could be available for use as an alternate airport should the Mammoth Lakes Airport be impacted by adverse weather conditions." Moreover, the FAA Part 139 requirements do not apply to alternate airports, and so Bishop can already serve for any jets here. As of 1997, Intrawest spokespersons favored using developing the Bishop airport instead of Mammoth, and the fact that Bishop is a more reliable and safer site remains. M-3

The document also is inadequate for failing to even attempt to present the cumulative growth impacts that greatly expanded visitation would have. The impacts on population and housing and recreation were omitted with no reasonable justification (III-3). The document simply assumes that growth will occur, and admits that it doesn't know how much of this growth might be attributed to greater air travel induced by the project. Most blatantly, the document fails to disclose cumulative impacts, that other projects depend entirely on the airport expansion. Most notably, these are the Hot Creek Resort development, and the particulars of the Sierra Business Park also depends on this project. The document denies that the airport expansion will have any impact on the town, yet the whole purpose and goal of the project is to dramatically increase visitation. M-4

Sincerely,

Andy Selters

M. Andy Selters, Bishop, California

Response to Comment M-1

Based on the comparisons with the case study airports presented in Appendix H of the Supplement, future service is anticipated to develop from other hub airports, such as Los Angeles, San Francisco, Las Vegas and/or Denver by other air carrier/commuter operators that have hubs at these airports. As discussed in Response to Comment I-2 almost two-thirds (64%) of Mammoth Lakes visitors said that they would utilize commercial air service of major carriers offered direct flights to Mammoth. [Personal communication with Rob Perlman, Executive Director Marketing, Mammoth Mountain.] Sixty-nine percent of visitors would like the service offered from Los Angeles. This supports the conclusion that once the Airport begins service to nearby cities like Los Angeles, San Francisco, and Reno, there would be a gradual shift from people driving to Mammoth Lakes to people flying into Mammoth Lakes.

Airline operations in the national airspace system largely operate using a "hub and spoke" system. Major air carriers establish central hub airports where passengers can arrive from outlying or spoke airports, transfer or connect with another flight, and continue to their destination airport. In the case of the proposed service by American Airlines to and from Mammoth Yosemite Airport, initial service would be provided from two of American Airlines' hubs: Chicago and Dallas/Fort Worth. Service from these two airports would carry passengers that connect from locations throughout the eastern, southern, and midwest United States. As discussed in the Supplement, many of the current visitors traveling from these locations to or from the Mammoth Lakes area use Los Angeles or Reno airports and drive between the Mammoth Lakes area and these airports. Additionally, international passengers from Asia, Europe, South America, Canada, and Mexico that now fly to Los Angeles and drive to Mammoth Lakes would be accommodated by using these cities to fly directly to Mammoth Lakes. Therefore, this initial service is anticipated to reduce vehicle use while continuing to accommodate existing visitor levels.

Response to Comment M-2

This comment raises issues outside of the scope of CEQA. (American Airlines agreement and terrorist attacks of September 11th, 2001.) The events of September 11 have not changed the long-term need for the project, or the viability of the project.

Response to Comment M-3

Please see Response to Comment I-48. Although it is true that FAR Part 139 of the FAA regulations (14 C.F.R. § 139.1) does not apply to "alternate" airports that does not mean that the Bishop Airport could substitute for the Mammoth Yosemite Airport on a permanent basis without FAR Part 139 certification. If it did, it would then no longer be an alternate airport, thereby making it subject to FAR Part 139. Any air carrier aircraft operating under FAR Part 121, (Operating Requirements: Domestic, Flag, and Supplemental Operations) diverted from Mammoth Yosemite Airport would probably land in Reno, Los Angeles, or Las Vegas depending on the airline operating the flight.

Response to Comment M-4

Please see Responses to Comments A-2, B-11, and B-12. The purpose of the project is to serve the existing and planned population growth and development in the Mammoth Lakes area. Contrary to the comment, neither the Sierra Business Park nor the Hot Creek Resort (part of the Airport Development Plan certified in the 1997 Subsequent EIR/EA) are in any way dependant on the Airport expansion project. Those are separate projects, which have undergone separate environmental analyses. Nonetheless, the Supplement also discusses potential cumulative impacts from the Sierra Business Park and the Hot Creek Resort that was evaluated and certified as part of the proposed project in 1997 Subsequent EIR/EA.

Rob Perlman
P.O. Box 1932
61 St. Anton Circle
Mammoth Lakes, CA 93546

November 24, 2001

Mr. Bill Taylor
Senior Planner
Town of Mammoth Lakes
P.O. Box 1609
Mammoth Lakes, CA 93546

Dear Mr. Taylor:

Please include this letter and the accompanying attachments as part of the public comments on the Draft Supplement to the Subsequent Environmental Impact Report of the Mammoth Yosemite Airport Expansion Project. N-1

The first attachment is some information and commentary that I wrote about the Mammoth Yosemite Airport project entitled "Nothing to Hide."

The second attachment that I would like to submit into the public record is a copy of a script that was used in a story about the issues and differing of opinions between Inyo County and the Los Angeles Department of Water and Power (LADWP). The stories aired on November 12, 2001 and were broadcasted on the radio station KDAY-FM and the television station KDAY-TV channel 33. This script and story highlights the current problems and animosity between Inyo County, the county that owns the Bishop Airport, and the LADWP, owners of the land on which the Bishop airport sits. To quote the story "...LA will force Inyo into arbitration over just about everything..." and "The implication—no cooperation on projects like expansion of the Bishop Airport..." This attachment and story is one of many underlying reasons and speaks to the issue of why the Bishop Airport is not a preferable alternative for the Mammoth Yosemite Airport.

Additional support of why the Bishop Airport is not a preferable alternative is that it is located almost 50 miles away from the Mammoth Lakes Community thus requiring additional transportation to be provided when the goal is to reduce vehicular and bus traffic. Also, the Town of Bishop (which doesn't own the airport) and the Bishop community have not indicated a desire increase the town's cost structure to provide additional infrastructure and support services so that the Mammoth Lakes community can realize the majority of guest expenditures and sales tax benefits.

Regards,

Rob Perlman

Encl. Nothing to Hide article and KDAY news script

Nothing to Hide
By Rob Perlman

The Mammoth/Yosemite Airport is a project that continues to be the subject of scrutiny. Speculation about the process and scope of airport development is rampant; opinions are as varied as the rumors feeding them. My intent in this forum is to restate the facts and the history of the airport, and to assure the people of Mammoth that this project is very much alive and that it continues to progress. It is important to realize the airport has been decades in the making, long before I began my tenure as Mammoth Mountain's Executive Director of Marketing, as well as the Chairman of the Mammoth Lakes Tourism Commission, and even before Intrawest got involved in the community.
Mammoth is a very special place for too many reasons to count. One of the unique things about Mammoth as a resort town is that this community had the opportunity to define its future at a point in time when, unlike the resorts of Vail and Aspen, it still had the chance.
In the mid-eighties Mammoth was North America's most popular mountain playground, doing upwards of 1.5 million skier visits a winter. Mammoth was the industry leader and had air service shuttling thousands of Southern Californians to the slopes of Mammoth Mountain on a regular basis. That success was short lived, and 600,000 skiers went elsewhere in the late 1980s. The community realized that they needed to act in order to preserve Mammoth's future. The town needed a plan.
The town staff worked countless hours to put together a "General Plan" in 1987. Then, following some even rougher periods of time which culminated in 1991, the community needed to create not only a plan, but a "vision" to guide Mammoth toward achieving the desired quality of life for the resort town before it was too late.
With a tremendous amount of input from the community, town leaders crafted a vision statement in 1992. Public meetings were held, input was solicited, the community worked together and ideas were garnered from other mountain communities resulting in a road map to Mammoth's future.
Things began to move a little faster when Intrawest came to town in 1996. With Intrawest, whose only reputation was and still is based on building and operating a selection of the world's finest and most well-run mountain resorts, came the possibility of realizing the town's vision.
The citizens and leaders of Mammoth saw that with Intrawest investing $800 million to help Mammoth achieve its vision, they had better make sure that the vision was spot-on. More meetings were held, more public input was solicited, more experts got involved, and more workshops were conducted. The result of countless hours, days, months and years of dialogue by stakeholders and the townspeople of Mammoth Lakes was a refined sense of purpose that identified the critical and crucial ingredients necessary to better focus a collective vision for the community.
One of those critical elements was to bring back commercial air service, a large component of having an effective transportation system that would create a pedestrian-friendly town that is less reliant on automobiles, all the while helping reach Mammoth's goal (in the vision statement) of achieving financial sustainability.
Mammoth Mountain contacted me because of my experience with airport development in Vail. When I arrived on the scene, my first step was to find an airline partner—not just

work. The past, present and future of the Mammoth/Yosemite Airport is clearly a community effort, following a exhaustive public process with absolutely nothing to hide.

Please contact me personally with any questions regarding our efforts to bring back commercial air service to Mammoth at rperlman@mammoth-mtn.com.

Water Issue (Aired on KDAY-FM and TV)

Many citizens of Inyo County now ask, what next? Their questions are prompted by evidence that LADWP has no plan to deal with the Owens Valley to help protect the environment and no plan to maintain a cooperative relationship on several projects. That was the content of a memo that described a private meeting between Inyo and LA officials.

Even those who supported the water agreement now admit that it looks like LA will force Inyo into arbitration over just about everything. That means a delay in help for the dried up plantlife and a heavy cost to Inyo County Government.

The memo, apparently written by Inyo Water Director Greg James, quotes LA Water and Power Commissioner Domonique Rubalcava and DWP Manager Jerry Gewe as saying that Inyo has no power under the water agreement to control groundwater pumping. Rubalcava is quoted as saying that LADWP will "seek to get every dorp of water it can from the valley without killing any "weeds." Rubalcava is also quoted as saying that since Inyo is "doing everything it can to prevent LaDWP from pumping groundwater...he has instructed DWP to not provide anything to the County that it is not absolutely required to provide under the agreement."

The implication – no cooperation on projects like expansion of the Bishop Airport and development of Big Pine water ditches. In fact, discussions with DWP